1-12-88
Vol. 53 No. 7
Pages 733-772

federal register

Tuesday
January 12, 1988

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340.00 per year, or $170.00 for 6 months in paper form, or $188.00 per year, or $94.00 for six months in microfiche form, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 53 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	275–3328
Problems with public subscriptions	275–3054

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	275–3328
Problems with public single copies	275–3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5240
Magnetic tapes	275–3328
Problems with Federal agency subscriptions	523–5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register
Vol. 53, No. 7
Tuesday, January 12, 1988

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
301 733
704 733

21 CFR
Proposed Rules:
1308 743

28 CFR
55 735

29 CFR
2702 737

36 CFR
5 739

41 CFR
114–51 741

42 CFR
Proposed Rules:
434 744
435 744

48 CFR
Proposed Rules:
404 749
407 749
409 749
410 749
412 749
414 749
415 749
416 749
417 749
419 749
422 749
424 749
425 749
428 749
432 749
436 749
437 749
439 749
442 749
445 749
446 749
447 749
452 749

50 CFR
611 741

Rules and Regulations

Federal Register
Vol. 53, No. 7
Tuesday, January 12, 1988

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 87-179]

Pink Bollworm Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that amended the pink bollworm quarantine and regulations by adding Lincoln County, Arkansas, as a suppressive area to the list of pink bollworm regulated areas.

EFFECTIVE DATE: February 11, 1988.

FOR FURTHER INFORMATION CONTACT: Michael J. Shannon, Chief Staff Officer, Program Planning Staff, PPQ, APHIS, USDA, 6505 Belcrest Road, Room 643, Federal Building, Hyattsville, MD 20782, (301) 436-8247.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule published in the **Federal Register** and effective April 16, 1987 (52 FR 12363-12364, Docket Number 87-010), we amended § 301.52-2a of the regulations by adding Lincoln County, Arkansas, as a suppressive area to the list of pink bollworm regulated areas. The regulations restrict the interstate movement of regulated articles from regulated areas in quarantined states for the purpose of preventing the spread of the pink bollworm to noninfested areas of the United States. Comments on the interim rule were required to be postmarked or received on or before June 15, 1987. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "Major rule." Based on information compiled by the Department, it has been determined that this rule will have an estimated annual effect on the economy of less than $10,000; will not cause a major increase in cost of prices for consumers, individual industries, federal, state or local government agencies, or geographic regions; and will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule affects the interstate movement of regulated articles from Lincoln County in Arkansas. Based on information compiled by the Department, we have determined that, although there are hundreds of small entities that move these articles interstate from nonregulated areas in the United States, only about five small entities move them interstate from Lincoln County, Arkansas. Further, the overall economic impact from this action is estimated to be less than $10,000.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V)

List of Subjects in 7 CFR Part 301

Agricultural commodities, Pink bollworm, Plant pests, Plants (Agriculture), Quarantine, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR Part 301 and that was published at 52 FR 12363-12364 on April 16, 1987.

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 161, 162 and 164-167; 7 CFR 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 6th day of January 1988.

Donald L. Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 88-480 Filed 1-11-88; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Stabilization and Conservation Service

7 CFR Part 704

Conservation Reserve Program

AGENCY: Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: This interim rule amends the regulations for the conduct of the Conservation Reserve Program ("CRP") which are codified in 7 CFR Part 704. One amendment authorizes the placement of filter strips in the CRP even if such land is not "highly erodible". Filter strips consist of croplands, capable of substantially reducing sedimentation, which are adjacent to rivers or certain other bodies of water. Second, to encourage the planting of trees on land placed in the CRP, the interim rule provides that land on which trees are to be planted may be placed in the CRP if one-third or more of the land meets the erodibility criteria set forth in 7 CFR Part 704. Normally, two-thirds or more of the land in a CRP filed must meet the criteria. The CRP is operated pursuant to Title XII of the Food Security Act of 1985 (the "Act").

DATES: The effective date of this interim rule is January 11, 1988. Comments must be received on our before March 14, 1988, to be assured of consideration.

ADDRESS: Comments may be mailed to James R. McMullen, Director, Conservation and Environmental Protection Division, ASCS, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: James R. McMullen at the above address. (202) 447–6221.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and provisions of Departmental Regulations 1512–1 and has been classified "nonmajor". It has been determined that the provisions of this rule will not result in an annual effect on the national economy of $100 million or more.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 533 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental assessment that this action will have no significant adverse impact on the quality of the human environment. Therefore, an environmental impact statement is not needed. Copies of the environmental assessment are available upon written request.

The title and number of the Federal Assistance Program to which this rule applies are: Conservation Reserve Program—10.069, as found in the Catalog of Federal Domestic Assistance.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Title XII of the Act directs the Secretary of Agriculture to formulate and carry out a Conservation Reserve Program (CRP) during the 1986 through 1990 crop years. The Secretary is authorized to enter into contracts, for a period of 10–15 years, with eligible owners and operators of highly erodible cropland or cropland meeting other special criteria, under which the owners and operators agree to convert the cropland to less intensive use. By the end of the 1990 crop year, the Secretary is required to enter into contracts sufficient to place between 40 and 45 million acres of land in the CRP.

The Act generally requires that land placed in the CRP must be highly erodible. However, section 1231(c)(2) permits the Secretary to include in the program lands that are not highly erodible but that pose an off-farm environmental threat or, if permitted to remain in production, pose a threat of continued degradation of productivity due to soil salinity.

Section 1234(c)(3)(B)(ii) specifically authorizes payments to be made under the CRP for permanently vegetated stream borders, filter strips of permanent grass, forbs, shrubs, and trees that will reduce sedimentation substantially. Section 1232(c) of the Act also provides that, to the extent practicable, not less than one-eighth of the acres placed in the CRP each crop year shall be devoted to trees.

The amendments made by this rule provide greater flexibility for achieving overall program goals. The next sign-up for the CRP is scheduled for February 1–19, 1988. In order that the changes provided herein may be in effect for that sign-up and to permit planning time for affected farmers, it has been determined that this rule shall be effective immediately. However, comments on these changes are requested and must be received by March 14, 1988, to be assured of consideration.

Filter strips—Currently, only fields meeting the erodibility criteria of the regulations (7 CFR 704.7 and 704.8) may be placed in the CRP. This amendment provides that cropland suitable for use as filter strips, although it does not meet the erodibility criteria specified in the regulations, may nonetheless be placed in the CRP program if the land, when placed in specified conserving uses, will reduce sedimentation substantially. Cropland may be considered a filter strip for inclusion in the program only if it is adjacent to certain specified types of waterbodies. The filter strip area permitted to be included in the CRP will be 1 to 1.5 chain lengths (66 to 99 feet) in width except in special cases where a wider strip is determined to be needed pursuant to field criteria of the Soil Conservation Service of the Department of Agriculture.

Planting trees on CRP land—Only about 5 percent of the approximately 23 million acres placed in the CRP to date has been planted to trees. Currently the regulations (7 CFR 704.7(c)) provide that a field shall be considered to be predominantly highly erodible if two-thirds or more of the land in such field meets the erodibility criteria set forth in the regulations. To encourage the placing of land in the CRP on which trees are to be planted, this interim rule amends the regulations to provide that, if a participant agrees to plant trees on land in a field, such field may be considered to be predominantly highly erodible if one-third or more of the land in such field meets the erodibility criteria set forth in the regulations.

This authority may be used along with other methods to encourage planting of trees at a reasonable cost. Past experience with the Soil Bank Program and other USDA conservation programs indicates that if trees are planted, the land will remain in protective cover longer than land planted to other cover crops, such as grass.

Lists of Subjects in 7 CFR Part 704

Administrative practices and procedures, Conservation plan, Contracts, Technical assistance, Natural resources, Wildlife.

Interim Rule

Accordingly, 7 CFR Part 704, Conservation Reserve Program, is amended as follows:

PART 704—[AMENDED]

1. The authority citation for Part 704 continues to read as follows:

Authority: Secs. 1201, 1231–1244, Pub. L. 99–198, 99 Stat. 1354, as amended (16 U.S.C. 3801, 3831–3844).

2. Section 704.7 is amended by revising paragraph (c) and adding a new paragraph (d) to read as follows:

§ 704.7 Eligible cropland.

* * * * *

(c) A field shall be considered to be predominantly highly erodible if 66⅔ percent or more of the land in such field meets the applicable requirements of paragraph (a)(3) of this section: *Provided*, That a field on which the participant agrees to plant trees may, as determined necessary by the Deputy Administrator to achieve overall program goals, be considered to be predominantly highly erodible if 33⅓ percent or more of the land in such field meets the applicable requirements of paragraph (a)(3) of this section.

(d) A field determined to be suitable for use as a filter strip may be eligible to be placed in the CRP, although it does not meet the applicable erodibility criteria of paragraph (a)(3) of this section, if the participant agrees to grow permanent grass, forbs, shrubs or trees on such field. A field may be considered to be suitable for use as a filter strip only if it—

(1) Meets the criteria of paragraph (a)(1) of this section;

(2) Is located adjacent to streams having perennial flow, other

waterbodies of permanent nature (such as lakes and ponds), or seasonal streams, excluding such areas as gullies or sod waterways;

(3) Is capable, when permanent grass, forbs, shrubs or trees are grown on the field, of substantially reducing sediment that otherwise would be delivered to the adjacent stream or other waterbodies; and

(4) Is 1.0 to 1.5 chain lengths (66 to 99 feet) in width: *Provided*, That such width may be exceeded to the extent necessary to meet SCS Field Office Technical Guide criteria.

Signed at Washington, DC on January 6, 1988.

Milton J. Hertz,

Administrator, Agricultural Stabilization and Conservation Service, Executive Vice President, Commodity Credit Corporation.

[FR Doc. 88-481 Filed 1-11-88; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 55

[Order No. 1246-87]

Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule makes minor changes in the text of the Attorney General's interpretive guidelines under the minority language provisions of the Voting Rights Act and brings the Appendix to the guidelines, which lists covered jurisdictions, up to date. This action is necessary to conform the guidelines to the changes made by Congress in extending the Voting Rights Act in 1982 and to the determinations of coverage made by the Director of the Census in 1984. This rule does not affect the status of any jurisdiction under the minority language provisions of the Voting Rights Act, nor does it reflect any change in the Attorney General's interpretation of the substantive requirements of these provisions.

EFFECTIVE DATE: January 12, 1988.

FOR FURTHER INFORMATION CONTACT: David H. Hunter, Attorney, Voting Section, Civil Rights Division, Department of Justice, P.O. Box 66128, Washington, DC 20035-6128, 202-724-5898.

SUPPLEMENTARY INFORMATION: Pursuant to the Voting Rights Act Amendments of 1982, Pub. L. 97-205, 96 Stat. 131, the Director of the Census has published in the **Federal Register** new determinations of coverage under section 203(b) of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973aa-1a(b), 49 FR 25887 (June 25, 1984). This Amendment conforms the Attorney General's minority language interpretative guidelines, 28 CFR Part 55, to the new determinations of coverage and to the changes made in the Voting Rights Act by the 1982 Amendments.

Prior to the enactment of the 1982 Amendments to the Voting Rights Act, the minority language coverage of section 203 of the Act was scheduled to expire on August 6, 1985. Section 4 of the 1982 Amendments pushed back the expiration date to August 6, 1992 but also changed the coverage formula of section 203(b) to include as members of a language minority group for purposes of the coverage determination only those persons "who do not speak or understand English adequately enough to participate in the electoral process * * *." Sections 55.6, 55.11, and 55.13(b) of these guidelines have been revised to reflect the altered coverage formula, and the Appendix, which lists jurisdictions covered under the Act's minority language requirements, has been revised to reflect the determinations of the Director of the Census under the new formula.

In addition, the 1982 Amendments change the procedures and standards for termination of coverage under section 4(f)(4). Section 55.7(a) has been amended to reflect these changes, and § 55.7(b) has been amended to indicate the new termination date for section 203(c) coverage. Other technical changes have been made in the authority citation and in §§ 55.1, 55.2(a), and 55.4(a) (introductory language).

Absence of Comment Period

Because this revision of the Attorney General's minority language guidelines only conforms the guidelines to the changes effected by the Voting Rights Act Amendments of 1982 and to the 1984 determinations of coverage under section 203(b), which under the terms of that section are not subject to judicial review, and makes other minor technical changes, it is published as a Final Rule rather than as a Notice of Proposed Rulemaking. Under § 55.24, comments and suggestions on these guidelines are welcome at any time.

Regulatory Requirements

Under the definition of section 1(b) of EO 12291, 3 CFR Part 127 (1981 Compilation), this Amendment does not constitute a major rule. Accordingly, a regulatory impact analysis pursuant to section 3 of EO 12291 has not been prepared. Pursuant to section 3(c)(3) of EO 12291, this Final Rule was submitted to the Director of the Office of Management and Budget more than 10 days prior to this publication. The issuance of this Amendment does not constitute a major Federal action and will not significantly affect the human environment. Accordingly, neither an environmental impact assessment nor an environmental impact statement has been prepared. See 28 CFR Part 61. Because this Amendment is excepted under 5 U.S.C. 553(b)(A), an initial regulatory flexibility analysis is not required under 5 U.S.C. 603(a). Accordingly, such an analysis has not been prepared. The Attorney General does not, through this Amendment, conduct or sponsor the collection of information within the meaning of the Paperwork Reduction Act. See 44 U.S.C. 3502(4). Accordingly, approval from the Director of the Office of Management and Budget for such conduct or sponsorship is not required and has not been sought.

List of Subjects in 28 CFR Part 55

Administrative practice and procedure, Civil rights, Elections, Voting rights.

For the reasons set out in the preamble, 28 CFR Part 55 is amended as set forth below:

PART 55—[AMENDED]

1. The authority citation for Part 55 is revised to read as follows:

Authority 5 U.S.C. 301; 28 U.S.C. 509, 510; 42 U.S.C. 1973b, 1973j(d), 1973aa-1a, 1973aa-2.

2. At the end of the table of contents the entry for Appendix is amended by the striking of the words "by the Voting Rights Act Amendments of 1975".

3. Section 55.1 is revised to read as follows:

§ 55.1 Definitions.

As used in this part—

"Act" means the Voting Rights Act of 1965, 79 Stat. 437, as amended by the Civil Rights Act of 1968, 82 Stat. 73, the Voting Rights Act Amendments of 1970, 84 Stat. 314, the District of Columbia Delegate Act, 84 Stat. 853, the Voting Rights Act Amendments of 1975, 89 Stat. 400, and the Voting Rights Act Amendments of 1982, 96 Stat. 131, 42 U.S.C. 1973 *et seq.* Section numbers, such as "Section 14(c)(3)," refer to sections of the Act.

"Attorney General" means the Attorney General of the United States.

"Language minorities" or "language minority group" is used, as defined in

the Act, to refer to persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage. Sections 14(c)(3) and 203(e).

"Political subdivision" is used, as defined in the Act, to refer to "any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting." Section 14(c)(2).

§ 55.2 [Amended]

4. Section 55.2(a) is amended by removing the words ", as amended by Pub. L. 94–73 (1975),".

§ 55.4 [Amended]

5. The introductory text of § 55.4(a) is revised to read as follows:

(a) The minority language provisions of the Voting Rights Act were added by the Voting Rights Act Amendments of 1975.

* * * * *

6. Section 55.6 is amended by removing the introductory text, revising paragraphs (a) and (b) and adding paragraph (d) to read as follows:

§ 55.6 Coverage under section 203(c).

(a) Political subdivisions subject to section 203(c) are determined by the Director of the Census as follows:[2]

(1) The Director of the Census first identifies those States in which more than five percent of the voting-age citizens are members of a single language minority group and do not speak or understand English adequately enough to participate in the electoral process.

(2) From among the States identified in paragraph (a)(1) of this section he then identifies the States in which the illiteracy rate of such persons is greater than the national illiteracy rate. With respect to those States, he identifies the political subdivisions in which such persons constitute five percent or more of the citizen voting-age population.

(3) With respect to the States not reached under paragraph (a)(2) of this section he identifies the political subdivisions in which more than five percent of the voting-age citizens are members of a single language minority group and do not speak or understand English adequately enough to participate in the electoral process. From among those political subdivisions he identifies the political subdivisions in which the illiteracy rate of such persons is greater than the national illiteracy rate.

(b) Political subdivisions identified under paragraphs (a)(2) or (a)(3) of this section are covered with respect to the language minority group of which such persons are members.

* * * * *

(d) Determinations of coverage under section 203(c) are made with regard to specific language groups of the language minorities listed in section 203(e).

§ 55.7 [Amended]

7. Section 55.7(a) is revised to read as follows:

(a) *Section 4(f)(4).* A covered State, a political subdivision of a covered State, or a separately covered political subdivision may terminate the application of section 4(f)(4) by obtaining the declaratory judgment described in section 4(a) of the Act.

* * * * *

8. Section 55.7(b) is amended by removing the word "1985" and by inserting in its place the word "1992".

9. Section 55.11 is amended by the addition of a new final sentence as follows:

§ 55.11 General.

* * * For those jurisdictions covered under section 203(c), the coverage determination (indicated in the Appendix) specifies the particular language for which the jurisdiction was covered and which thus, under section 203(c), is required to be used.

§ 55.13 [Amended]

10. Section 55.13(b) is amended by the insertion, in the second sentence thereof, following the words "in the language of such a group", of the words "pursuant to Section 4(f)(4)".

11. The Appendix is revised to read as follows:

Appendix—Jurisdictions Covered Under secs. 4(f)(4) and 203(c) of the Voting Rights Act of 1965, as Amended

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4) [1]	Coverage under sec. 203(c) [2]
Alaska	Alaskan Natives (statewide).	
Bethel Census Area.		Alaskan Natives (Eskimo).
Dillingham Census Area.		Do.
Kobuk Census Area.		Do.
Nome Census Area.		Do.
North Slope Borough.		Do.
Wade Hampton Census Area.		Do.
Yukon-Koyukuk Census Area.		American Indian (Athapascan).
Arizona	Spanish Heritage (statewide).	
Apache County.	American Indian.	American Indian (Navajo).
Cochise County		Spanish heritage.
Coconino County	American Indian.	American Indian (Navajo).
Graham County		Spanish heritage.
Greenlee County		Do.
Navajo County	American Indian.	American Indian (Navajo).
Pinal County	American Indian.	Spanish heritage
Santa Cruz County.		Do.
Yuma County		Do.
California:		
Fresno County		Do.
Imperial County		Do.
Kern County		Do.
Kings County	Spanish heritage.	Do.
Madera County		Do.
Merced County	Spanish heritage.	
San Benito County.		Do.
Tulare County		Do.
Yuba County	Spanish heritage.	
Colorado:		
Alamosa County		Do.
Archuleta County.		Do.
Bent County		Do.
Conejos County		Do.
Costilla County		Do.
Huerfano County		Do.
Las Animas County.		Do.
Otero County		Do.
Pueblo County		Do.
Rio Grande County.		Do.
Saguache County.		Do.
Connecticut:		
Fairfield County: Bridgeport Town.		Do.
Hartford County: Hartford Town.		Do.
Florida:		
Collier County	Spanish heritage.	
Dade County		Spanish heritage.
Hardee County	Spanish heritage.	Do.
Hendry County	Spanish heritage.	
Hillsborough County.	Spanish heritage.	
Monroe County	Spanish heritage.	
Hawaii:		
Hawaii County		Asian American (Japanese).
Kauai County		Do.
Maui County		Do.
Idaho:		
Minidoka County		Spanish heritage
Massachusetts:		
Essex County: Lawrence City.		Do.
Hampden County.		Do.
Holyoke City		Do.
Suffolk County: Chelsea City.		Do.
Michigan:		
Allegan County: Clyde Township.	Spanish heritage.	Do.
Fennville City		Do.
Newaygo County: Grant Township.		Do.

[2] The criteria for coverage are contained in section 203(b) of the Voting Rights Act and in section 4 of the Voting Rights Act Amendments of 1982.

Jurisdiction	Coverage under sec. 4(f)(4) [1]	Coverage under sec. 203(c) [2]
Saginaw County: Buena Vista Township.	Spanish heritage.	
Montana: Rosebud County.		American Indian (Cheyenne).
New Jersey:		
Hudson County		Spanish heritage.
Passaic County		Do.
New Mexico:		
Bernalillo County		Do.
Chaves County		Do.
Cibola County		American Indian (Keresan), Spanish heritage.
Colfax County		Spanish heritage.
De Baca County		Do.
Dona Ana County.		Do.
Eddy County		Do.
Grant County		Do.
Guadalupe County		Do.
Harding County		Do.
Hidalgo County		Do.
Lincoln County		Do.
Luna County		Do.
McKinley County		American Indian (Navajo).
Mora County		Spanish heritage.
Quay County		Do.
Rio Arriba County.		Do.
Roosevelt County.		Do.
Sandoval County		American Indian (Keresan), Spanish heritage.
San Juan County.		American Indian (Navajo).
San Miguel County.		Spanish heritage.
Santa Fe County		Do.
Socorro County		American Indian (Navajo), Spanish heritage.
Taos County		Spanish heritage.
Torrance County		Do.
Valencia County		Do.
New York:		
Bronx County	Spanish heritage.	Do.
Kings County	Spanish heritage.	Do.
New York County.		Do.
North Carolina:		
Jackson County	American Indian.	
North Dakota:		
Rolette County		American Indian (Cree).
Sioux County		American Indian (Dakota).
Oklahoma:		
Adair County		American Indian (Cherokee).
South Dakota:		
Buffalo County		American Indian (Dakota).
Dewey County		Do.
Shannon County	American Indian.	Do.
Todd County	American Indian.	Do.
Texas	Spanish heritage (statewide).	
Andrews County		Spanish heritage.
Aransas County		Do.
Atascosa County		Do.
Bailey County		Do.
Bee County		Do.
Bexar County		Do.
Brewster County		Do.
Briscoe County		Do.
Brooks County		Do.
Caldwell County		Do.
Calhoun County		Do.
Cameron County		Do.
Castro County		Do.
Cochran County		Do.
Comal County		Do.
Concho County		Do.
Cottle County		Do.
Crane County		Do.
Crockett County		Do.
Crosby County		Do.
Culberson County		Do.
Dawson County		Do.
Deaf Smith County.		Do.
De Witt County		Do.
Dickens County		Do.
Dimmit County		Do.
Duval County		Do.
Ector County		Do.
Edwards County		Do.
El Paso County		Do.
Fisher County		Do.
Floyd County		Do.
Fort Bend County.		Do.
Frio County		Do.
Gaines County		Do.
Garza County		Do.
Goliad County		Do.
Gonzales County		Do.
Guadalupe County.		Do.
Hale County		Do.
Hall County		Do.
Haskell County		Do.
Hays County		Do.
Hidalgo County		Do.
Hockley County		Do.
Howard County		Do.
Hudspeth County.		Do.
Irion County		Do.
Jackson County		Do.
Jeff Davis County.		Do.
Jim Hogg County.		Do.
Jim Wells County.		Do.
Jones County		Do.
Karnes County		Do.
Kenedy County		Do.
Kinney County		Do.
Kleberg County		Do.
Knox County		Do.
Lamb County		Do.
La Salle County		Do.
Live Oak County		Do.
Loving County		Do.
Lubbock County		Do.
Lynn County		Do.
McCulloch County.		Do.
McMullen County.		Do.
Martin County		Do.
Mason County		Do.
Matagorda County.		Do.
Maverick County		Do.
Medina County		Do.
Menard County		Do.
Mitchell County		Do.
Nolan County		Do.
Nueces County		Do.
Parmer County		Do.
Pecos County		Do.
Presidio County		Do.
Reagan County		Do.
Real County		Do.
Reeves County		Do.
Refugio County		Do.
Runnels County		Do.
San Patricio County.		Do.
Schleicher County.		Do.
Scurry County		Do.
Starr County		Do.
Sterling County		Do.
Sutton County		Do.
Swisher County		Do.
Terrell County		Do.
Terry County		Do.
Tom Green County.		Do.
Upton County		Do.
Uvalde County		Do.
Val Verde County.		Do.
Victoria County		Do.
Ward County		Do.
Webb County		Do.
Wharton County		Do.
Willacy County		Do.
Wilson County		Do.
Winkler County		Do.
Yoakum County		Do.
Zapata County		Do.
Zavala County		Do.
Utah: San Juan County.		American Indian (Navajo).
Wisconsin:		
Jackson County: Komensky Town.		American Indian (Ojibwa).
Portage County: Pine Grove Town.		Spanish heritage.
Sawyer County: Couderay Town.		American Indian (Winnebago).

[1] Coverage determinations were published at 40 FR 43746 (Sept. 23, 1975), 40 FR 49422 (Oct. 22, 1975), 41 FR 784 (Jan. 5, 1976) (corrected at 41 FR 1503 (Jan. 8, 1976)), and 41 FR 34329 (Aug. 13, 1976). Covered counties in Colorado, New Mexico, and Oklahoma have bailed out pursuant to Section 4(a). See § 55.7(a) of this part.

[2] Coverage determinations were published at 49 FR 25887 (June 25, 1984).

Edwin Meese III,

Attorney General.

Dated: December 17, 1987.

[FR Doc. 88–485 Filed 1–11–88; 8:45 am]

BILLING CODE 4410–01–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2702

Regulations Implementing the Freedom of Information Reform Act of 1986

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule revises the Commission's regulations concerning fees and fee waivers for processing Freedom on Information Act requests in accordance with the standards required by the Freedom of Information Reform Act of 1986. The rule conforms to the guidelines established by the Office of Management and Budget on assessment of fees and the guidance of the Department of Justice on fee waivers.

EFFECTIVE DATE: Interim rule effective February 11, 1988; comments must be received on or before February 11, 1988.

ADDRESSES: Written comments should be addressed to Richard L. Baker, Executive Director, Federal Mine Safety and Health Review Commission, 1730 K

Street, NW., 6th Floor, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT:

L. Joseph Ferrara, General Counsel, Office of the General Counsel, 1730 K Street, NW., 6th Floor, Washington, DC 20006, telephone: 202-653-5610 (202-566-2673 for TDD Relay). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The Freedom of Information Act of 1986, Pub. L. 99-570, sections 1801-1804, 100 Stat. 3207, 3207-48 (1986) (FOIA Reform Act), amended the Freedom of Information Act, 5 U.S.C. 552 (FOIA), and established a new fee structure for fees generally as well as for certain categories of requesters. Specifically, the FOIA Reform Act establishes the following types of fees that may be charged depending on the identity of the requester and the anticipated use of the information: (1) *Commercial:* search, review, and duplication fees are assessable; (2) *educational or noncommercial scientific institutions whose purpose is scholarly or scientific research or a representative of the news media:* only duplication fees are assessable; and (3) *all others:* only search and duplication fees are assessable. 5 U.S.C. 552(a)(4)(A)(ii).

In addition, a revised statutory standard governing the waiver of FOIA fees has been established. Documents are to be furnished without any charge or at a reduced charge if disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. 5 U.S.C. 552(a)(4)(A)(iii). Furthermore, fee schedules are to provide for recovery only of "direct costs," but no fee may be charged if the cost of routine processing and collection of the fee would likely equal or exceed the fee. Further, all requesters except commercial requesters may not be charged for the first two hours of search time or for the first one hundred pages of duplication involved in any request. 5 U.S.C. 552(a)(4)(A)(iv). Finally, no agency may require advance payment of any fee unless the requester has failed previously to pay fees in a timely fashion or the agency has determined that the fee will exceed $250. 5 U.S.C. 552(a)(4)(A)(v).

As required by the FOIA Reform Act, the Office of Management and Budget (OMB) has developed fee guidelines for implementation of the statute. 5 U.S.C. 552(a)(4)(A)(i). These guidelines were published in final form in the **Federal Register** on March 27, 1987. 52 FR 10012. The Commission's interim fee regulations conform with OMB's guidelines. The FOIA Reform Act also requires that individual agency regulations set forth "procedures and guidelines for determining when such fees should be waived or reduced." 5 U.S.C. 522(a)(4)(A)(i). Since OMB was not accorded responsibility for fee waiver matters under the FOIA Reform Act, the Department of Justice (DOJ), pursuant to its responsibility to encourage agency compliance with FOIA, has set forth government-wide policy guidance on the waiver of FOIA fees and issued an advisory memorandum to the heads of all federal agencies on April 2, 1987, entitled "New FOIA Fee Waiver Policy Guidance." The Commission's interim fee waiver regulations adopt the DOJ criteria for waiver of FOIA fees.

The purpose of these rules is to implement the changes mandated by the FOIA Reform Act. The Commission has chosen to establish interim rules because it is in the public interest to have the rule effective as soon as possible to effectuate the FOIA Reform Act. These interim rules will not become effective until February 11, 1988. A comment period of 30 days is provided. Upon receipt and consideration of any comments, these interim rules will be subject to finalization and possible change.

List of Subjects in 29 CFR Part 2702

Freedom of Information.

Accordingly, 29 CFR Part 2702 is amended as follows:

PART 2702—[AMENDED]

1. The authority citation for 29 CFR Part 2702 continues to read as follows:

Authority: Sec. 113, Federal Mine Safety and Health Act of 1977, Pub. L. 95-165 (30 U.S.C. 801 *et seq.*)

2. Section 2702.5 is revised to read as follows:

§ 2702.5 Fees applicable—categories of requesters.

(a) When documents are requested for commercial use, requesters will be assessed the full direct costs of searching for, reviewing for release, and duplicating the records sought.

(b) When records are being requested by educational or noncommercial scientific institutions whose purpose is scholarly or scientific research, and not for commercial use, the requester will be assessed only for the cost of duplicating the records sought, but no charge will be made for the first 100 paper pages reproduced.

(c) When records are being requested by representatives of the news media, the requester will be assessed only for the cost of duplicating the records sought, but no charge will be made for the first 100 paper pages reproduced.

(d) For any other request not described in paragraphs (a) through (c) of this section, the requester will be assessed the full direct costs of searching for and duplicating the records sought, except that the first two hours of manual search time and the first 100 paper pages of reproduction shall be furnished without charge.

(e) For purposes of paragraphs (b) through (d) of this section, whenever it reasonably appears that a requester of records or a group of requesters is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, such requests will be aggregated and fees assessed accordingly.

3. Sections 2702.6 through 2702.8 are added as follows:

§ 2702.6 Fee schedule.

(a) *Search fee.* The fee for searching for information and records shall be $10 per hour for clerical time and $20 per hour for professional time. Fees for searches of computerized records shall be the actual cost to the Commission but shall not exceed $300 per hour. This fee includes machine time and that of the operator and clerical personnel. The fee for computer printouts shall be $.40 per page. If search charges are likely to exceed $25, the requester shall be notified of the estimated amount of fees, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated. Time spent on unsuccessful searches shall be fully charged.

(b) *Review fee.* The review fee shall be charged for the initial examination by the Executive Director of documents located in response to a request to determine if it may be withheld from disclosure, and for the deletion of portions that are exempt from disclosure, but shall not be charged for review by the Chairman or the Commissioners. *See* § 2702.3. The review fee is $30 per hour.

(c) *Duplicating fee.* The fee copy of each page of paper up to 8½" x 14" shall be $.15 per copy per page. Any private sector services required will be assessed at the charge to the Commission. If duplication charges are likely to exceed $25, the requester shall be notified of the estimated amount of fees, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated.

§ 2702.7 No fees; waiver or reduction of fees.

(a) No fees shall be charged to any requester, including commercial use requesters, if the likely cost of processing and collecting the fee would be equal to or greater than the fee itself. Accordingly, the Commission has determined that fees of less than $10 shall be waived.

(b) Documents shall be furnished without any charge or at a charge reduced below the fees otherwise applicable if disclosure of the information (1) is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and (2) is not primarily in the commercial interest of the requester.

(i) The following six factors will be employed in determining when such fees shall be waived or reduced:

(A) The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government";

(B) The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;

(C) The contribution to an understanding of the subject by the general public likely to result from disclosure: Whether disclosure of the requested information will contribute to "public understanding";

(D) The significance of contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities;

(E) The existence and magnitude of a commercial interest: Whether the rquester has a commercial interest that would be furthered by the requested disclosure; and, if so

(F) The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."

(ii) The Executive Director, upon request, shall determine whether a waiver or reduction of fees is warranted. Requests shall be made concurrently with requests for information under § 2702.3. Appeals of adverse decisions may be made to the Chairman within 5 working days. Determination of appeals will be made by the Chairman within 10 working days of receipt.

§ 2702.8 Advance payment of fees; interest; debt collection procedures.

(a) Advance payment of fees generally will not be required. However, an advance payment (before work is commenced or continued on a request) may be required if the charges are likely to exceed $250.

(b) Requesters who have previously failed to pay a fee charged in timely fashion (i.e. within 30 days of the date of billing) may be required first to pay the amount plus any applicable interest (or demonstrate that the fee has been paid) and then make an advance payment of the full amount of the estimated fee before the new or pending request is processed.

(c) Interest charges may be assessed on any unpaid bill starting on the 31st day following the day on which the billing was sent at the rate prescribed in 31 U.S.C. 3717 and will accrue from the date of billing.

(d) The Debt Collection Act of 1982, Pub. L. 97–365, including disclosure to consumer credit reporting agencies and the use of collection agencies will be utilized to encourage payment where appropriate.

Ford B. Ford,

Chairman, Federal Mine Safety and Health Review Commission.

[FR Doc. 88–459 Filed 1–11–88; 8:45 am]

BILLING CODE 6735–01–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 5

Commercial and Private Operations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: This rule amends the existing nondiscrimination language for commercial and private operators within the National Park Service.

This revision is necessary to conform National Park Service regulations to Federal nondiscrimination statutes already in effect.

The effect will be to keep commercial and private operators within the National Park Service from discriminating against any person because of sex, age, or disabling condition, as well as other nondiscrimination criteria already in effect in the Code of Federal Regulations.

EFFECTIVE DATE: February 11, 1988.

FOR FURTHER INFORMATION CONTACT: David E. Gackenbach, Chief, National Park Service, Concessions Division-680, P.O. Box 32127, Washington, DC 20013–7127, Telephone: (202) 343–8953.

SUPPLEMENTARY INFORMATION:

Background

The National Park Service (NPS), acting on behalf of the Secretary of the Interior and pursuant to the Act of August 25, 1916, as supplemented and amended, 16 U.S.C. 3 *et seq.*, particularly the Concessions Policies Act of 1965, 16 U.S.C. 20 *et seq.*, administers the operations of private concessioners which provide public accommodations, facilities and services within elements of the National Park System. Such accommodations, facilities and services, by law, must be provided under carefully controlled safeguards against unregulated and indiscriminate use so that heavy visitation will not unduly impair park values and resources. It is the policy of the Secretary that concession activities are limited to those that are necessary and appropriate for public use and enjoyment of the National Park Area in which they are located and that are consistent to the highest practical degree with the preservation and conservation of the area.

Concession operations are conducted by commercial and private operators and are administered by the NPS pursuant to Concession Contracts and Permits.

Lands managed by the NPS are subject to the relevant provisions of Title 16 of the United States Code and Title 36 of the Code of Federal Regulations. The Regulations contained in Chapter One of Title 36 of the Code of Federal Regulations govern, in general, the commercial and private activities.

The existing NPS regulations that prohibit discrimination in employment practices and in furnishing public accommodations and transportation services are codified at 36 CFR 5.8 and 5.9. These regulations have not been revised since 1966 and, consequently, do not reflect provisions of applicable Federal law and Executive Orders enacted since that date. This rulemaking revises these regulations to reflect prohibitions contained in Executive Order 11246 (September 24, 1965) as amended by Executive Order 11375 (October 13, 1967); Title V, section 504 of the Rehabilitation Act of 1973 and Executive Order 11141 (February 12, 1964) that pertain to sex, age or disabling condition. It also revises the address of the NPS Director.

The NPS is publishing this rulemaking as a final rule without prior publication of a proposed rule. This action is being taken because the NPS has determined

that in this case a proposed rulemaking and opportunity for public comment are unnecessary and contrary to the public interest. This determination is based on the fact that the revised regulatory text incorporates provisions of Federal Statutory Law and Executive Orders that have been in effect since the dates listed above and that were implemented by the NPS on the same dates. Prompt removal or revision of outdated regulatory text from the Code of Federal Regulations avoids confusion and facilitates consistent interpretation of regulations by NPS officials and the general public and is therefore in the public interest. Publication of a proposed rule would delay this process unnecessarily and would result in unnecessary additional expense, both contrary to the public interest.

Public comment on this rulemaking is unnecessary and irrelevant because the statutory provisions and Executive Orders are already in effect and will continue to take precedence over the existing regulatory text, regardless of public comment. These provisions are mandatory and contain no discretionary elements that are open to agency interpretation or whose implementation could be influenced by public comment to the NPS.

Drafting Information

The principal author of this rule is William H. Wood, National Park Service, Concessions Division, Washington, DC.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 (February 19, 1981), 46 FR 13193 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The amended regulations will not have any significant economic effect because they only serve to clarify nondiscrimination requirements that apply to commercial and private operators. There should be no additional expenditures involved as a result.

The NPS has determined that this rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, this rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental regulations in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects in 36 CFR Part 5

Alcohol and alcoholic beverages, Business and industry, Civil rights, Equal employment opportunity, National parks, Transportation.

For the reasons set out in the preamble 36 CFR Chapter 1 is amended as set forth below:

PART 5—COMMERCIAL AND PRIVATE OPERATIONS

1. The authority citation for Part 5 is revised to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 17j–2, 462.

2. By revising paragraphs (a) and (b) of § 5.8 to read as follows:

§ 5.8 Discrimination in employment practices.

(a) The proprietor, owner, or operator of any hotel, inn, lodge or other facility or accommodation offered to or enjoyed by the general public within any park area is prohibited from discriminating against any employee or maintaining any employment practice which discriminates because of race, creed, color, ancestry, sex, age, disabling condition, or national origin in connection with any activity provided for or permitted by contract with or permit from the Government or by derivative subcontract or sublease. As used in this section, the term "employment" includes, but is not limited to, employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship.

(b) Each such proprietor, owner or operator shall post either the following notice:

Notice

This is a facility operated in an area under the jurisdiction of the United States Department of the Interior. No discrimination in employment practices on the basis of race, creed, color, ancestry, sex, age, disabling condition, or national origin is permitted in this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints or violations of this prohibition should be addressed to the Director, National Park Service, P.O. Box 37127, Washington, D.C. 20013–7127.

or notices supplied in accordance with Executive Order 11246 at such locations as will ensure that the notice and its contents will be conspicuous to any person seeking employment.

* * * * *

3. By revising paragraphs (a) and (b) of § 5.9 to read as follows:

§ 5.9 Discrimination in furnishing public accommodations and transportation services.

(a) The proprietor, owner or operator and the employees of any hotel, inn, lodge, or other facility or accommodation offered to or enjoyed by the general public within a park area and, while using such a park area, any commercial passenger-carrying motor vehicle service and its employees, are prohibited from: (1) Publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, ancestry, sex, age, disabling condition, or national origin; or (2) discriminating by segregation or otherwise against any person or persons because of race, creed, color, ancestry, sex, age, disabling condition, or national origin in furnishing or refusing to furnish such person or persons any accommodation, facility, service, or privilege offered to or enjoyed by the general public.

(b) Each such proprietor, owner, or operator shall post the following notice at such locations as will insure that the notice and its contents will be conspicuous to any person seeking accommodations, facilities, services, or privileges:

Notice

This is a facility operated in an area under the jurisdiction of the U.S. Department of the Interior.

No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry, sex, age, disabling condition or national origin is permitted in the use of this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127.

* * * * *

Date: October 6, 1987.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 88-475 Filed 1-11-88; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

41 CFR Part 114-51

Property Management; Provision and Assignment of Quarters and Furnishings

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: The Department of the Interior is amending 41 CFR Part 114-51, which contains the internal regulations and procedures governing provision and assignment of government furnished quarters (GFQ). These changes are made necessary by the repeal of Congressional limitations on the costs associated with construction of GFQ. In the future, costs will be controlled through the normal budget process. In addition, this change eliminates the design standards in the regulations and substitutes those found in Office of Management and Budget Circular A-18, as amended.

EFFECTIVE DATE: February 11, 1988.

FOR FURTHER INFORMATION CONTACT: Billy Lee Hart, Chief, Property Management Division, 202-343-3336.

SUPPLEMENTARY INFORMATION: The Department of the Interior and Related Agencies Appropriation Bill, 1985; Report to the Committee of the Whole House No. 98-886, states in part: "In the past the Committee has carried a limitation on unit cost of employee housing. Due to the rapidly increasing costs of housing, there will no longer be a limitation on the unit cost of employee housing, but agencies will be expected to identify such costs in their budget justifications. Waivers from the Committee on these costs are no longer necessary." This Report was not changed by the Senate.

The Conference Report states in part: "The language and allocations set forth in House Report 98-886 and Senate Report 98-578 shall be complied with unless specifically addressed to the contrary in this joint resolution * * *." Since the issue dropping the limitation on cost of constructing employee housing was not specifically addressed to the contrary, the limitation is dropped. In the future all bureaus will address such costs in their budget justifications.

Concerning the issue of design standards, the Department finds that the design and construction standards imposed by OMB Circular A-18, as amended, are sufficient for our purposes.

Because these property management procedures govern only internal management actions of the Department, this document is not a rule as defined by E. O. 12291. The Department has determined that notice and public comment on the rule are not required because the Department, by amendment of 41 CFR Part 114-51, is simply revising internal instructions and procedures that affect only Departmental employees. 5 U.S.C. 553(b)(A). For the same reasons, the Department has also determined that the rule will not have a significant economic effect on a substantial number of small entities and does not require a flexibility analysis under the Regulatory Flexibility Act. The Department has further determined that these regulations will not significantly affect the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969. Finally, the Department has determined that the rule has no federalism implications affecting the relationship between the national government and the States, as outlined in Executive Order 12612. This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The primary author of this document is Billy Lee Hart, Chief, Property Management Division, Office of Acquisition and Property Management (343-3336).

List of Subjects in 41 CFR Part 114-51

Provision and Assignment of Quarters and Furnishings.

For the reasons set forth in the preamble, 41 CFR 114-51.1 is amended as set forth below.

Dated: December 31, 1987.

Joseph W. Gorrell,

Principal Deputy Assistant Secretary—Policy, Budget and Administration.

PART 114-51—PROVISION AND ASSIGNMENT OF QUARTERS AND FURNISHINGS

1. The authority citation for Part 114-51 continues to read as follows:

Authority: 5 U.S.C. 301.

Subpart 114-51.1—Provision of Quarters

2. Section 114-51.102 is revised to read as follows:

§ 114-51.102 Determination of number, types, sizes, and design of housing units.

Bureaus shall be governed by the applicable provisions of Office of Management and Budget Circular No. A-18, Revised, in determining the number, types, sizes, and design standards of housing units to be provided employees at a given location.

§§ 114-51.103 through 114-51.104-3 [Removed]

3. Sections 114-51.103 and 114-51.104 through 114-51.104-3 are removed from this Subpart.

[FR Doc. 88-458 Filed 1-11-88; 8:45 am]

BILLING CODE 4310-RF-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 41276-4176]

Foreign Fishing; Hake Fisheries of the Northwest Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice to respecify fishery specifications.

SUMMARY: NOAA issues this notice to respecify fishery specifications for the Hake Fisheries of the Northwest Atlantic Preliminary Fishery Management Plan (PMP). This notice continues the PMP into the 1988 fishing year which begin on January 1, with specifications that are identical to those in place for 1987. They will be in effect until replaced by an amendment currently being prepared by NMFS to address recent developments in the fishery.

EFFECTIVE DATE: January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Peter D. Colosi, 617-281-3600, ext. 232.

SUPPLEMENTARY INFORMATION: NOAA publishes specifications of optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), reserve, and total allowable level of foreign fishing (TALFF). Specifications are accomplished at least yearly to inform the public or implement any changes based on new scientific information or on NMFS' and Regional

Fishery Management Councils' consultations on domestic and foreign fishing. Initially, for 1988, the specifications are identical to those in 1987. However, NMFS is currently developing an amendment that may (1) adjust these specifications based on new stock assessment information and (2) reduce or eliminate TALFF and reduce JVP based on a recommendation by the Mid-Atlantic Council. Parties interested in TALFF or joint ventures should be mindful that the amendment will likely replace and reduce the specifications published below. Public comments will be accepted on the amendment during its development and when it is formally proposed.

The annual specifications for the hake fisheries in the Northeast Region, Northwest Atlantic Ocean, published at 51 FR 25704, July 16, 1986, for silver hake in areas 1–4 and 5 and for red hake in area 5, and at 51 FR 25724, July 16, 1986, for red hake in areas 1–4 are reprinted and specified here for your convenience:

Species	Species code	Area	OY/TAC	DAH	DAP	JVP	Reserve	TALFF
1. NW Atlantic Ocean fisheries								
A. Hake Fisheries:								
Hake, Silver	104	NW Atlantic 1–4	30,000	20,600	5,600	15,000	0	9,400
		NW Atlantic 5	13,000	9,000	2,000	7,000	0	4,000
Hake, Red	105	NW Atlantic 1–4	16,000	8,000	5,000	3,000	5,000	3,000
		NW Atlantic 5	6,000	3,500	500	3,000	0	2,500

List of Subjects in 50 CFR Part 611

Fisheries, Foreign Relations, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

Dated: January 6, 1988.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 88–489 Filed 1–11–88; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 53, No. 7
Tuesday, January 12, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Proposal To Place Carfentanil Into Schedule II

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Administrator of the Drug Enforcement Administration (DEA) proposes that carfentanil, a narcotic substance, be placed into Schedule II of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). This action has been initiated following DEA's receipt of a letter from the Assistant Secretary for Health, Department of Health and Human Services (DHHS), recommending that DEA initiate the scheduling of carfentanil while review of the new animal drug application for carfentanil is nearing completion. The scheduling of carfentanil in Schedule II will not be finalized until carfentanil is approved for marketing by the Food and Drug Administration (FDA). If finalized, this proposed rule would impose the regulatory controls and criminal sanctions of a Schedule II narcotic substance under the CSA to the manufacture, distribution, importation and exportation of carfentanil.

DATE: Written comments and objections must be received on or before February 11, 1988.

ADDRESS: Send comments to DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Washington, DC 20537.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: On November 12, 1987, the Assistant Secretary for Health, on behalf of the Secretary, DHHS, sent to the Administrator of DEA a letter recommending that the scheduling process be initiated for placement of carfentanil into Schedule II of the CSA. Enclosed with the letter was a document prepared by the FDA entitled "Basis for the Recommended To Control Carfentanil Into Schedule II of the Controlled Substances Act." The document contained a review of the factors which the CSA requires the Secretary to consider (21 U.S.C. 811(b)) and the summarized recommendations regarding the scheduling of carfentanil.

The factors considered by the Assistant Secretary for Health with respect to carfentanil were:

(1) Its actual or relative potential for abuse;

(2) Scientific evidence of its pharmacological effects, if known;

(3) The state of current scientific knowledge regarding the drug (or other substance);

(4) Its history and current pattern of abuse;

(5) The scope, duration and significance of abuse;

(6) What, if any, risk there is to the public health;

(7) Its psychic or physiological dependence liability; and

(8) Whether the substance is an immediate precursor of a substance already controlled under this title.

Carfentanil is a rapidly acting and extremely potent synthetic compound that is an analog of fentanyl. Its pharmacological profile appears to be highly similar to that of fentanyl and related compounds. The pharmacological effects of carfentanil in experimental animals are readily reversed by administration of narcotic antagonists. The main therapeutic use of carfentanil will be its use in veterinary medicine to immobilize certain species of larger deer.

Based on the scientific and medical evaluation and the recommendation contained in the November 12, 1987 letter from the Assistant Secretary for Health, DHHS, the Administrator of DEA, pursuant to the provisions of 21 U.S.C. 811(a) and 811(b), finds that:

(1) Based on all available information, carfentanil has a high potential for abuse;

(2) Carfentanil, upon final approval of a new animal drug application by the FDA, will have a currently accepted medical use in treatment in the United States; and

(3) Abuse of carfentanil may lead to severe psychological or physical dependence.

The above findings are consistent with the proposed placement of carfentanil into Schedule II of the CSA. The Administrator further contends that carfentanil is an opiate as defined in 21 U.S.C. 802(18) since it has an addiction-forming and addiction-sustaining liability similar to morphine. Consequently, carfentanil is a narcotic since the definition of narcotic, as stated in 21 U.S.C. 802(17)(A), includes: "Opium, opiates, derivatives of opium and opiates."

Interested persons are invited to submit their comments or objections in writing regarding this proposal. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his belief. In the event that comments, objections or requests for a hearing received in response to this proposal raise one or more issues which warrant a hearing, the Administrator will publish in the **Federal Register** an order for a public hearing which will summarize the issues to be heard and set the time for the hearing that will not be less than 30 days after the date of the order. If no objections presenting grounds for a hearing on this proposal are received within the time limitation or if interested parties waive or are deemed to have waived their opportunity for a hearing or to participate in a hearing, the Administrator, after giving consideration to written comments and objections, will issue a final order pursuant to 21 CFR 1308.48 without a hearing. DEA's final decision concerning the scheduling of carfentanil will take into account the Assistant Secretary's recommendation, its own review, and any information received in response to this proposal.

Pursuant to Title 5, United States Code, Section 605(b), the Administrator

certifies that the scheduling of carfentanil will not have a significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354). These proposed drug control actions relate to the initial control of a substance that is not yet marketed in the United States. Commercial products which contain carfentanil will be used in veterinary clinics specializing in big game control and treatment. This rule, if finalized, will cause such establishments to handle carfentanil in a manner identical to that in place for other Schedule II products.

In accordance with the provisions of section 201(a) of the CSA (21 U.S.C. 811(a)), this proposed scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and, as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by Section 201(a) of the CSA (21 U.S.C. 811(a)) and delegated to the Administrator of DEA by regulations of the Department of Justice (28 CFR Part 0.100), the Administrator hereby proposes to amend 21 CFR Part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

2. Paragraph (c) of § 1308.12 is amended by redesignating the existing paragraphs (c)(6) through (c)(24) as (c)(7) through (c)(25) and adding a new paragraph (c)(6):

§ 1308.12 Schedule II.

* * * * *

(c) * * *

(6) Carfentanil—9743

* * * * *

Dated: January 5, 1988.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 88–417 Filed 1–11–88; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 434 and 435

[BERC-306-P]

Medicaid Program; Waiver of Certain Membership Requirements for Certain Health Maintenance Organizations (HMOs), and State Option for Disenrollment Restrictions for Certain HMOs Under Medicaid

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: This proposal would revise current Medicaid rules to expand the waiver authority of the Secretary to permit certain health maintenance organizations (HMOs) meeting certain requirements to exceed the composition of enrollment limit, to allow certain organizations to contract on a risk basis, to permit continuation of benefits to recipients enrolled in certain organizations after they have lost entitlement to Medicaid, and to give a State the option of restricting a Medicaid enrollee's right to disenroll from certain types of risk HMOs and other organizations. These regulations would conform our regulations with authority provided in section 2364 of Pub. L. 98–369, the Deficit Reduction Act of 1984, as amended by section 9517 of Pub. L. 99–272, the Consolidated Omnibus Budget Reconciliation Act of 1985. We are also proposing to make a technical correction concerning HMO and PHP contracts.

DATE: To assure consideration, comments must be received by March 14, 1988.

ADDRESSES: Address comments in writing to: Health Care Financing Administration, U.S. Department of Health and Human Services, Attention: BERC–306–P, P.O. Box 26676, Baltimore, Maryland 21207.

If comments concern information collection or recordkeeping requirements please address a copy of comments to: Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Allison Herron, Room 3208, New Executive Office Building, Washington, DC 20503, Attention: Desk Officer for HCFA

In commenting, please refer to file code BERC–306–P.

If you prefer, you may deliver your comments to Room 309–G Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, DC, or to Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

Comments will be available for public inspection as they are received, beginning approximately three weeks after publication, in Room 309–G of the Department's offices at 200 Independence Ave., SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone, 202–245–7890).

FOR FURTHER INFORMATION CONTACT: Thomas Saltz, (301) 594–9374.

SUPPLEMENTARY INFORMATION:

I. Background

A. Program Description

Section 2178 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) was enacted to encourage and enable Medicaid agencies to make greater use of health maintenance organizations (HMOs) that provide cost-effective health care to Medicaid recipients. That section raised the maximum allowable proportion of Medicare and Medicaid enrollees an HMO delivering Medicaid services on a risk basis may have in order for a State to be eligible for Federal financial participation in its Medicaid expenditures to those entities. The amendment raised the limit on Medicare and Medicaid enrollees from fewer than 50 percent to fewer than 75 percent of the total enrollment. It did not alter the provision which authorizes a temporary waiver of that upper limit for new HMOs. (Section 1903(m)(2)(C) of the Social Security Act (the Act)). Waivers of the Medicare/Medicaid enrollee percentage limit are available during the first 3 years of a contract with a State, if the Secretary is satisfied that it has made an continues to make efforts to meet the enrollment limits as required in section 1903(m)(2)(C) of the Act. Additionally, the 1981 amendments provided for a waiver of indefinite duration to an HMO that is a public entity (i.e., owned or operated by a State, county, or municipal health department or hospital) if the Secretary determines the waiver can be justified and the public HMO is making reasonable efforts to meet the enrollment limit by enrolling persons not entitled to Medicare or Medicaid as permitted under section 1903(m)(2)(D) of the Act.

The Act also provided specific exceptions to certain organizations at section 1903(m)(2)(B). This section provides for a specific group of entities to be exempt altogether from the composition of enrollment requirement as well as other requirements in section 1903(m)(2)(A) pertaining to organizations contracting with the State

on a prepaid capitation risk basis. These organizations include certain Community, Migrant, and Appalachian Health Centers, primarily funded by the Public Health Service (PHS), and Appalachian Regional Development Act, that had existed prior to June 30, 1976.

Section 1903(m)(2)(A)(vi) of the Act permitted enrollees of risk-basis HMOs to disenroll without cause at any time. Disenrollment was effective beginning the first calendar month following a full calendar month after the disenrollment request was made.

Section 1902(e)(2) of the Act permitted States to continue to provide Medicaid to enrolled recipients for periods up to 6 months from the date of enrollment in Federally qualified HMOs, even if the enrollee loses Medicaid eligibility before the enrollment period ends.

B. Current Regulations

The basic regulations governing entities eligible for risk contracts are at 42 CFR 434.20. Community, Migrant and Appalachian Health Centers are eligible for risk contracts under our regulations at § 434.20(a)(3). Under section 1903(m)(2)(B) of the Act, these entities may enter into prepaid capitation risk basis contracts with a State, and are exempt from the provisions of the law in section 1903(m)(2)(A) of the Act, which contain the requirements that HMOs must meet when providing comprehensive services on a risk basis. However, any Community, Migrant, or Appalachian Health Center that obtained grant funds under the PHS Act or the Appalachian Regional Recovery Act of 1965 subsequent to June 30, 1976, must instead meet requirements in section 1903(m)(2)(A) of the Act in order to contract with a State to provide comprehensive services on a risk basis. (In addition, these organizations may contract with Medicaid agencies on a cost basis under the Prepaid Health Plan (PHP) rules.)

Current regulations concerning waivers of the composition of enrollment requirement under Medicaid are found at 42 CFR 434.26. New HMOs with risk contracts may receive waivers of the requirement that Medicare and Medicaid enrollment be less than 75 percent, for up to 3 years after the date the entity is determined to be an HMO by the HCFA Regional Administrator (RA). Section 434.26(b)(1) requires the HMO to submit annual reports, satisfactory to the RA, demonstrating that it is making continuous efforts and progress toward achieving compliance with the less than 75 percent requirement. The waiver for public HMOs appears at § 434.26(b)(2), and permits the RA to approve a waiver for an HMO owned or operated by a State, county or municipal health department or hospital, if there are special circumstances that would justify a waiver or modification and the HMO has made and continues to make reasonable efforts to enroll persons not eligible for Medicare or Medicaid.

Section 434.27(b)(1) provides for an enrollee's right to disenroll without restriction. An enrollee of a risk HMO may terminate enrollment freely at any time, effective no later than the first day of the second month after the month in which he or she requested termination. Section 434.27(b)(2) states that the HMO also must inform the recipient of this right at the time of enrollment.

Sections 435.212 and 435.326 permit a State agency to allow categorically and medically needy individuals enrolled in a Federally qualified HMO who lose eligibility for Medicaid to be deemed eligible to continue to receive Medicaid services in the HMO for a period of enrollment up to 6 months. Recipients enrolled in any other type of prepaid capitation organization are not eligible for this benefit.

II. New Legislation

A. Eligibility of New Organizations

Section 9517(a)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) amends section 1903(m)(2) of the Act by adding a new subparagraph (G) to the list of exemptions to the prohibition on Federal financial participation in State expenditures under risk contracts with entities or organizations which are not HMOs. This change permits a State to contract on a prepaid risk capitation basis for the scope of services described in section 1903(m)(2)(A) of the Act with entities that have been receiving during the previous 2 years a grant of at least $100,000 under section 329(d)(1)(A) or 330(d)(1) of the PHS Act or have been receiving $100,000 by grant, subgrant, or subcontract under the Appalachian Regional Deavelopment Act of 1965. Subparagraph (G) entities are subject to all requirements in section 1903(m)(2)(A) of the Act, with two exceptions: That the entity be determined an HMO by the Secretary, and that less than 75 percent of its membership be Medicare beneficiaries or Medicaid recipients.

B. Composition of Enrollment

Section 2364 of the Deficit Reduction Act of 1984 (DRA) added subparagraph (E) to section 1903(m)(2) of the Act. This subparagraph expands the waiver authority of the Secretary to permit States to receive Federal financial participation in expenditures to an HMO meeting certain requirements and exceeding the composition requirements of section 1903(m)(2)(A)(ii) of the Act, which requires that fewer than 75 percent of its enrollees are Medicare or Medicaid beneficiaries. To be eligible for this waiver, the HMO must: (a) Be a nonprofit organization with at least 25,000 members, (b) have been a qualified health maintenance organization (as defined in section 1310(d) of the Public Health Service Act) for a period of at least 4 years, (c) provide basic health services through members of the staff of the organization, (d) be located in an area designated as medically underserved under section 1302(7) of the Public Health Service Act, and (e) have previously received a waiver of the requirement described in subparagraph (A)(ii) under section 1115 of the Social Security Act. The Secretary also must determine whether special circumstances justify a waiver, and whether the HMO has or is taking reasonable efforts to enroll persons not entitled for Medicare or Medicaid.

C. Termination of Enrollment

Section 2364 of the DRA also amended section 1903(m) of the Act to provide an exception to the requirement at section 1903(m)(2)(A)(vi)(I), and added a new paragraph at section 1903(m)(2)(F) of the Act. The exception gives a state the option of restricting a Medicaid enrollee's right to disenroll freely from certain risk HMOs during the second through the sixth month of each period of enrollment in such organizations. During the first month of enrollment an enrollee may request termination of enrollment without having any cause for this decision. However, for the remaining months of the period, requests for termination must be based on meeting the requirements for good cause. Termination of enrollment becomes effective no later than the beginning of the first calendar month following a full calendar month after the termination request is made. In order to restrict the right to request termination without cause to the first month of enrollment, the State must notify enrollees of the disenrollment restrictions at least twice per year. The restricted disenrollment option is applicable only to members of Federally qualified HMOs (as defined in section 1310(d) of the PHS Act) or certain other entities (Community, Migrant, and Appalachian Health Centers), orginally identified in section 1903(m)(2)(F)(ii) of the Act. Section 1903(m)(2)(F) of the Act was revised by section 9517(a) of COBRA, which deleted clause (ii), and identified the entities that had been

described in clause (ii) in a new subparagraph, section 1903(m)(2)(G). Also, to qualify for the limit on the individual's right to terminate his enrollment without cause, a Federally qualified HMO must have fewer than 75 percent Medicare and Medicaid enrollees. The Community, Migrant, and Appalachian Health Center identified in section 1903(m)(2)(G) are not subject to the 75 percent enrollment rule. This latter provision resulted from the COBRA revision of section 1903(m)(2)(F) of the Act.

The Conference Report that accompanied H.R. 4170, dated June 23, 1984, (H.R. Rep. No. 861, 98th Cong., 2d Sess. 1364–5 (1984)) pertaining to section 2364 of Pub. L. 98–369, added clarification and guidance concerning implementation of restrictions upon disenrollment from an HMO. Examples of "good cause" for disenrollment during the restricted period (months, two up through six) suggested by the report were "poor quality care or lack of access to needed speciality services". The States are expected to establish procedures to review "cause" disenrollment requests promptly.

In addition, the report sets forth Congressional expectations that "current Federal regulatory requirements" for HMOs, including those which relate to "grievance procedures and quality assurance systems" at 42 CFR 434.32 and 434.34 respectively, would apply to this new provision of the law.

D. Continuation of Benefits

Section 9517(b) of COBRA amended section 1902(e)(2) of the act by adding a new group of organizations which may retain as members individuals who would otherwise lose entitlement to Medicaid, but whom the State may deem eligible for continuation of benefits during the remainder of a period of enrollment not exceeding 6 months from the date of enrollment in the organization. That group is described in section 1903(m)(2)(G) to the Act which was added by section 9517(a)(3) of COBRA. That section also permits these organizations (certain Community, Migrant, and Appalachian Health Centers), to contract with the State agency.

III. Provisions of the Proposed Regulations

We propose to revise §§ 434.20, 434.26, 434.27, 435.212 and 435.326 of Subchapter C of Title 42. The proposed changes in the regulations are discussed below:

A. Eligibility of New Organizations

We would add paragraph (a)(4) to § 434.20 to permit the new group of organizations to be eligible to contract on a risk basis. These organizations are identified by the statute as entities which receive, and have received during the previous 2 years, a grant of at least $100,000 under sections 329(d)(1)(A) or 330(d)(1) of the PHS Act or which receive and have received at least $100,000 during the previous 2 years by grant, subgrant, or subcontract under the Appalachian Regional Development Act of 1965. Any such organization would be exempt from the requirement that the Secretary determine that it is an HMO. We would add a new paragraph (b)(5) to § 434.26 that would exempt the new group of organizations from the composition of enrollment requirement. However, these organizations must meet all others HMO statutory requirements.

B. Composition of Enrollment

We would revise regulations located at § 434.26 to permit the Secretary to waive the composition of enrollment requirement for an HMO which meets certain criteria. A new paragraph § 434.26(b)(3) would be added to specify the legislative criteria, and current (b)(3) would be redesignated as (b)(4).

As noted in the previous section, we are proposing to amend the regulations to recognize the statutory exemption from the composition of enrollment standard for certain Community, Migrant, and Appalachian Health Centers. It has come to our attention that some of these exempt centers have joined to form larger organizations in order to operate an HMO of adequate size. Under simple arrangements, several community health centers have established an HMO that enrolls members who are then provided primary care services through the same community health centers. The HMO serves simply as the corporate vehicle allowing the centers to combine their efforts. In this circumstance, we believe that, consistent with Congressional intent, the HMO formed by centers that are exempt from the composition of enrollment standard should itself be exempt from the standard.

In some more complex arrangements, centers that are exempt from the composition of enrollment requirement may join with another organization, such as a nonexempt center or a hospital, to form the HMO. In addition, there may be arrangements in which not all of the primary services are provided through exempt centers. In these circumstances, we also believe that it would be consistent with Congressional intent to recognize the continuing force of the exemption if the exempt centers control the HMO and if substantially all the primary care services are provided through the exempt centers.

The proposed regulation contains an exemption for centers formed as HMOs under the two types of arrangement described above.

C. Termination of Enrollment

We would revise paragraph (b) of § 434.27 to include restriction of disenrollment rights in certain HMO risk comprehensive contracts. We would do this by allowing a State to continue to permit a Medicaid enrollee of an HMO to freely disenroll at any time, or to restrict disenrollment after the first month of enrollment unless there was good cause. Paragraph (b)(2) would be redesignated as (c) and new paragraphs (d), (e), (f), and (g) would be added that would specify the conditions to be met if a Medicaid agency chooses to limit disenrollment rights of Medicaid enrollees of certain HMOs.

We would specify at § 434.27(d) that the disenrollment restriction would apply only to Federally qualified HMOs and certain other entities identified in section 1903(m)(2)(G) of the Act and the proposed regulations at § 434.26(b)(5)(ii). Federally qualified HMOs whose Medicare and Medicaid enrollment constitutes 75 percent or more of its total enrollment would not be eligible for the disenrollment restriction. The other entities are exempt from the composition of enrollment rule.

We would describe at § 434.27(e) the requirements that an enrollee, an organization, and a State agency must meet for restricted disenrollment to occur. The regulations would permit the States flexibility in developing the procedures under which their restricted disenrollment program would operate. Under these provisions, an enrollee may only disenroll if the requirements for cause are met. We would require that an enrollee request disenrollment in writing to the State agency and the HMO, citing the reasons why he or she wishes to leave the HMO. Examples of reasons may include poor quality care, or lack of access to specialty services covered under the State plan or other reasons that a State may establish. The HMO must provide the State with whatever information the State may require to make a decision.

States could require recipients seeking to disenroll for cause to use an organization's grievance process prior to the State agency deciding the case. We are particularly interested in comments on this proposal that would permit

required use of the current grievance procedure regulations at 42 CFR 434.32 in the disenrollment process. We wish to ensure that timely action is taken in cases where disenrollment is requested for cause.

If the termination of an enrollment for good cause is approved by the HMO it must take place no later than the first day of the month after the month in which the recipient had requested termination in writing. If the State agency makes the determination about termination of enrollment for good cause, it must take final action within 15 days after receipt of the request for disenrollment, or within 30 days after such receipt if the State determines that additional information is needed.

Section 434.27(f) would provide for automatic disenrollment of a requesting enrollee if the State fails to take final action within 15 days, or if additional information is requested by the State, within 30 days after the request to disenroll is made. We believe the delays beyond these timeframes for a final decision would deny a recipient timely action in remedying a possibly serious problem.

Finally, § 434.27(g) would give an enrollee the right to appeal a decision by a State agency to deny a request to disenroll for good cause. The appeal procedure is left to the State to develop and implement. An organization also must inform potential enrollees of their disenrollment rights prior to enrollment, and at least 30 days before the start of a new enrollment period and at least twice per year.

D. Continuation of Benefits

We would revise our regulations at §§ 435.212 and 435.326 to permit certain Community, Migrant, and Appalachian Health Centers to participate in the provision permitting States to allow recipients to continue to receive Medicaid benefits for periods up to 6 months after they have lost entitlement. These sections of the proposed regulations also would permit HMOs owned and controlled by certain Community, Migrant, and Appalachian Health Centers to participate in the continuation of benefits rule.

E. Technical Change

We propose to make a technical correction to § 434.209(b) to clarify a cross reference made in this section.

IV. Regulatory Impact Statement

A. Executive Order 12291

Executive Order 12291 requires us to prepare and publish an initial regulatory impact analysis on any proposed major rule. A major rule is defined as any regulation that is likely to:

(1) Have an annual effect on the economy of $100 million or more,

(2) Cause a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions, or

(3) Result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability or United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The proposed provision expanding the waiver authority for the composition-of-enrollment limit (that is, no more than 75 percent of enrollees are Medicare or Medicaid participants) should not have a significant impact on Federal or State expenditures under the Medicaid program. A small number of HMOs are having temporary difficulties keeping enrollments within the limits and may benefit slightly because of expanded waiver authority under the proposed rule. However, the impact on providers' costs and Medicaid payment rates would be negligible.

We do not know how many Community, Migrant, and Appalachian Health Centers may meet the qualifying requirements of this proposed rule. The change would permit States to contract with these organizations which typically serve a predominately low-income population, on a risk capitation basis. These additional types of organizations would be able to offer services to recipients in a cost-effective and efficient manner, saving money for State Medicaid programs at the same time.

The proposal to grant States the option of establishing Medicaid rules restricting disenrollments during the second to sixth month period following enrollment could result in slight benefits to a small number of HMOs. Some HMOs are experiencing cash-flow problems because of frequent disenrollments by Medicaid patients. However, because we do not have information enabling us to estimate the number of States that would exercise this option, we cannot predict the number of HMOs that would be affected.

The proposal to permit States to continue Medicaid benefits to recipients who lose entitlement to the program but who are enrolled in certain Community, Migrant, and Appalachian Health Centers would encourage the participation of additional organizations in the program. Recipients often have changes in income which cause them to go on and off the rolls several times during relatively short periods. These fluctuations in Medicaid eligibility cause administrative difficulties, such as the timely stopping of State payments to an organization when a recipient's eligibility ends. An organization would also be able, under this proposed rule, to be certain of income for particular periods of enrollment. We expect only a negligible fiscal impact upon the Medicaid program.

The expected impact of this proposed rule on HMOs and on Medicare and Medicaid expenditures would be negligible. Further, the effects would result primarily from the statutory requirements of section 2364 of Pub. L. 98–369 and section 9517 of Pub. L. 99–272, not this proposed rule. Therefore, we have estimated that it is not a major rule under Executive Order 12291 and that an initial regulatory impact analysis is not required.

B. Regulatory Flexibility Act

Consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612) we prepare and publish an initial regulatory flexibility analysis for a proposed regulation unless the Secretary certifies that the regulation would not have a significant economic impact on a substantial number of small entities. All HMOs with risk comprehensive contracts under the Medicaid program would be considered small entities under the RFA.

To determine precisely the impact of these proposals and their significance we would need to know the cost impact of frequent disenrollments, the estimated number of reduced disenrollments under the proposed rule, and which States would exercise the option to apply the limit on disenrollments. In addition, we would need to know how many organizations qualify under the changes in the Act. We do not have such data. However, the number of HMOs affected would likely be small, the effects on HMOs would not be adverse, and the impact is a result of the statutory mandate, not of this rule. Therefore, we have determined, and the Secretary certifies, that this regulation would not have a significant economic impact on a substantial number of small entities. An initial regulatory flexibility analysis is not required.

C. Paperwork Reduction Act

Sections 434.27 (b), (c), (e), and (g)(2) and (3) of this proposed rule contain information collection requirements that are subject to the Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1980.

Other organizations and individuals desiring to submit comments on the information collection requirements should follow the directions in the **ADDRESS** section of this preamble.

V. Response to Comments

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments and will respond to the issue in the preamble to that rule.

List of Subjects

42 CFR Part 434

Health maintenance organizations (HMO), Medicaid, Reporting and recordkeeping requirements, Grant programs—health.

42 CFR Part 435

Aid to Families with Dependent Children, Grant programs—health, Medicaid, Supplemental Security Income (SSI).

A. 42 CFR Part 434, Subpart C would be amended as set forth below.

PART 434—CONTRACTS

Subpart C—Contracts With HMOs and PHPs: Contract Requirements

1. The authority citation for Part 434 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.

2. In § 434.20, paragraph (a) is revised to read as follows, and in paragraph (b) the citation "§ 434.21" is revised to read "§ 434.21(b)."

General Requirements

§ 434.20 Basic rules.

(a) *Entities eligible for risk contracts for services specified in § 434.21.* A Medicaid agency may enter into a risk contract, for the scope of services specified in § 434.21, only with an entity that—

(1) Is a Federally qualified HMO, including a provisional status Federally qualified HMO;

(2) Meets the State plan's definition of an HMO, as specified in paragraph (c) of this section;

(3) Is one of several entities identified in section 1903(m)(2)(B) (i), (ii) and (iii) of the Act, and considered as a PHP; or

(4) Is one of certain Community, Migrant and Appalachian Health Centers identified in section 1903(m)(2)(G) of the Act. These entities are subject to the regulations governing HMOs under this Part, with the exception of the requirements of section 1903(m)(2)(A) (i) and (ii) of the Act.

* * * * *

3. In § 434.26, paragraph (b) is amended by redesignating paragraph (b)(3) as (b)(4) and new paragraphs (b)(3) and (b)(5) are added to read as follows:

§ 434.26 Composition of enrollment.

* * * * *

(b) * * *

(3) *Waiver for certain nonprofit HMOs with risk comprehensive contracts.* The Regional Administrator may approve waiver or modification of the requirement of paragraph (a) of this section, for a nonprofit HMO which has a minimum of 25,000 members, is and has been Federally qualified for a period of at least 4 years, provides basic health services through members of its staff, is located in an area designated as medically underserved under section 1302(7) of the Public Health Service Act, and has previously received a waiver under section 1115 of the Act of the requirement described in paragraph (a) of this section, if—

(i) There are special circumstances that justify modification or waiver; and

(ii) The HMO has made and continues to make reasonable efforts to enroll individuals who are not eligible for Medicare or Medicaid.

* * * * *

(5) *Special exemption.* (i) Community, Migrant and Appalachian Health Centers identified in section 1903(m)(2)(G) of the Act are exempt from the basic rule; and

(ii) Health maintenance organizations (as defined in section 1903(m)(1)(A) of the Act) that are primarily owned and controlled by centers specified in paragraph (b)(5)(i) of this section are exempt from the basic rule if they furnish primary care services substantially through such centers.

4. Section 434.27 is amended by revising paragraph (b) and adding paragraphs (c), (d), (e), (f), and (g) to read as follows:

§ 434.27 Termination of enrollment.

* * * * *

(b) An HMO risk comprehensive contract must specify either—

(1) That an enrollee of an organization with a risk comprehensive contract may terminate enrollment freely at any time, effective no later than the first day of the second month after the month in which he or she requests termination; or

(2) If an agency chooses to restrict disenrollment rights under paragraph (d) of this section, that an enrollee may terminate enrollment freely during the first month of any period of enrollment up to 6 months, and may terminate enrollment during the remainder of the enrollment period only as provided under paragraph (e) of this section. Termination of enrollment during the first month of a period of enrollment is effective no later than the first day of the second month after the month in which he or she requests termination. Termination of enrollment during the remainder of a period of enrollment is in accordance with paragraph (f) of this section.

(c) An HMO risk comprehensive contract under paragraph (b) of this section must specify that the HMO will inform each recipient at the time of enrollment, of the right to terminate enrollment.

(d) A State plan may provide for contracts with certain organizations which restrict disenrollment rights of Medicaid enrollees under paragraph (b)(2) of this section if the following conditions are met—

(1) For purposes of this section the organization is—

(i) A Federally qualified HMO whose Medicare and Medicaid enrollment constitutes less than 75 percent of its total enrollment;

(ii) One of the entities identified in section 1903(m)(2)(G) of the Act; or

(iii) One of the entities described in § 434.26(b)(5)(ii); and

(2) The disenrollment requirements of paragraphs (e), (f) and (g) of this section are met.

(e) An agency choosing to restrict enrollee disenrollment rights under paragraph (b)(2) of this section in its contract with the organization—

(1) Must permit the enrollee to request disenrollment without cause during the first month of any enrollment period (an enrollment period may not exceed 6 months);

(2) Must permit an enrollee to disenroll during the remainder of any period of enrollment following the first month, if (in accordance with the organization's contract with the State agency) the organization approves the enrollee's request to disenroll, or if all of the following requirements are met—

(i) An enrollee requests in writing to the State agency and the organization disenrollment for good cause;

(ii) The request cites the reason(s) why he or she wishes to disenroll, such as poor quality care, lack of access to necessary specialty services covered under the State plan, or other reasons satisfactory to the State agency;

(iii) The organization provides information that the agency may require; and

(iv) The agency determines that good cause for disenrollment exists.

(3) May require that the recipient seek to redress the problem through use of the organization's grievance process prior to a State agency determination in a disenrollment for cause request, except in cases in which immediate risk of permanent damage to the recipient's health is alleged. The grievance process, when utilized, must be completed within 15 days after the enrollee's request to disenroll for cause is received by the organization. If the organization, as a result of the grievance process, approves an enrollee's request to disenroll, the State agency is not required to make a determination in the case.

(f) The State agency must take final action on the recipient's request within 15 days after receipt, or the recipient is deemed to have received approval for disenrollment. State agency action may be delayed beyond 15 days if the agency determines that additional information is required to consider its decision, but in no case may a decision be made and action taken later than 30 days after the request to disenroll is made. Disenrollment occurs no later than the first day of the month following the month in which a determination is made finding good cause for the recipient's disenrollment, or the date that such a request is deemed by the State to have been approved. If the agency fails to act within those specified timeframes, the recipient's request to disenroll is deemed to be approved as of the date that agency action was required.

(g) An agency which restricts disenrollment under paragraph (b)(2) of this section must also—

(1) Establish an appeal procedure for enrollees who disagree with the agency's finding that good cause does not exist for disenrollment.

(2) Require the organization to inform recipients who are potential enrollees prior to enrollment of their disenrollment rights; and

(3) Require the organization to notify enrollees of their disenrollment rights under this section—

(i) At least 30 days before the start of each new period of enrollment; and

(ii) No less than twice per year.

B. 42 CFR Part 435, Subpart C would be amended as set forth below:

PART 435—ELIGIBILITY IN THE STATES, DISTRICT OF COLUMBIA, THE NORTHERN MARIANA ISLANDS, AND AMERICAN SAMOA

Subpart C—Options for Coverage as Categorically Needy

1. The authority citation for Part 435 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. Section 435.212 is revised to read as follows:

§ 435.212 Individuals who would be ineligible if they were not enrolled in an HMO.

The agency may provide that a recipient who is enrolled in a federally qualified HMO (under a risk contract as specified in § 434.20(a)(1) of this chapter) or in an entity specified in § 434.20(a)(4) or § 434.26(b)(5)(ii) (which provides services as described in § 434.21(b) of this chapter) and who becomes ineligible for Medicaid is deemed to continued to be eligible—

(a) For a period specified by the agency, ending no later than 6 months from the date of enrollment; but

(b) Only for benefits provided to him or her as an enrollee of the organization or entity described above.

3. Section 435.326 is revised to read as follows:

§ 435.326 Individuals who would be ineligible if they were not enrolled in an HMO.

If the agency provides Medicaid to the categorically needy under § 435.212, it may provide Medicaid under the same rules to medically needy recipients who are enrolled in a Federally qualified HMO or in an entity specified in § 434.20(a)(4) or § 434.26(b)(5)(ii) which provides services as described in § 434.21(b) of this chapter.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance)

Dated: June 12, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved October 27, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 88-430 Filed 1-11-88; 8:45 am]

BILLING CODE 4120-01-M

DEPARTMENT OF AGRICULTURE

48 CFR Parts 404, 407, 409, 410, 412, 414, 415, 416, 417, 419, 422, 424, 425, 428, 432, 436, 437, 439, 442, 445, 446, 447, and 452

[Agriculture Acquisition Circular No. 2]

Agriculuture Acquisition Regulation; Miscellaneous Amendments

AGENCY: Office of Operations, USDA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on a proposed amendment to the Department of Agriculture Acquisition Regulation (AGAR). The revisions are intended to standardize Departmental coverage for the application of labor standards provisions in contracts for services prescribed by 29 CFR Part 4; to set administrative standards and guidelines for uniform solicitation provisions and contract clauses; and to prescribe miscellaneous internal policies and procedures.

DATE: Written comments must be received on or before February 11, 1988.

ADDRESS: Requests for a copy of the proposed rule and respondents' comments should be sent to the U.S. Department of Agriculture, Office of Operations, Procurement Division (Room 1575, South Building), Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Larry Schreier, Office of Operations, United States Department of Agriculture, Washington, DC 20250; (202) 447-8924.

SUPPLEMENTARY INFORMATION: .

I. Background

One of the primary purposes of this rulemaking is to revise the AGAR, as necessary, to incorporate labor standards provisions applicable to Departmental contracts for services. USDA has been operating under instructions contained in the Federal Acquisition Circular 84-1 to follow policy and procedures contained in Federal Procurement Regulations (FPR). Temporary Regulation 76, for labor standards coverage applicable to

Federal service contracts. The FPR Temporary Regulation has expired.

There are other items within this proposed rule which will revise the blanket authority delegated to heads of contracting activities to acquire ADP resources; add policy and procedures for conducting cost-plus-award-fee contracts; and add uniform provisions and clauses for use under the Department's Contract Automation System.

II. Procedural Requirements

A. Executive Order 12291

The Executive order entitled "Federal Regulations" requires that certain regulations be reviewed by the Office of Management and Budget (OMB) prior to their promulgation. OMB Bulletin 85–7 exempts all but certain types of procurement regulations from such review. This proposed rule does not involve any of the topics requiring prior review under the bulletin and is accordingly exempt from such review.

B. Regulatory Flexibility Act

This proposed rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96–354, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have a significant economic impact on a substantial number of small entities. This rule will have no impact on interest rates, tax policies or liabilities, the costs of goods or services, or other direct economic factors. It will not have a significant economic impact on a substantial number of small entities, and therefore, no regulatory flexibility analysis has been prepared.

C. Paperwork Reduction Act

All information collections contained in 48 CFR Subpart 422.70 are the direct result of Department of Labor (DOL) rules as published in 29 CFR Part 4. The DOL rules have been cleared by the Office of Management and Budget (OMB) and assigned the OMB control numbers shown therein. All other information collections contained in this AGAR amendment have been cleared by OMB in prior rulemaking or as declared by USDA in its information collection requests. For example, the information collections relative to the submission of contract proposals in section 415.407 have been declared and cleared previously as contract specific collections. This revised rule merely consolidates a range of information that contracting officers should, at their discretion, consider asking prospective contractors to furnish.

D. National Environmental Policy Act

USDA has concluded that promulgation of this rule would not represent a major Federal action having a significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 432, *et seq.*, 1976), or the Council on Environmental Quality regulations (40 CFR Part 1020), and therefore does not require an environmental impact statement or an environmental assessment pursuant to NEPA.

III. Public Comments

Interested persons are invited to participate in this rule making by submitting views and comments with respect to the proposed AGAR amendment set forth in this notice. All written comments will be carefully assessed and fully considered prior to publication of the final rule.

List of Subjects in 48 CFR Parts 404, 407, 409, 410, 412, 414, 415, 416, 417, 419, 422, 424, 425, 428, 432, 436, 437, 439, 442, 445, 446, 447, and 452.

Government procurement.

For the reasons set out in this preamble, the Department proposes to amend Chapter 4 of Title 48 of the Code of Federal Regulations. Copies of the proposed rule may be obtained from the address set forth above.

Issued in Washington, DC., January 6, 1988.

Frank Gearde, Jr.,

Director, Office of Operations.

[FR Doc. 88–178 Filed 1–11–88; 8:45 am]

BILLING CODE 3410–98–M

Notices

Federal Register
Vol. 53, No. 7
Tuesday, January 12, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 86-035N]

Compound Evaluation System; Availability

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: The Food Safety and Inspection Service (FSIS) announces the availability of the document "Compound Evaluation System" (CES). CES describes guidelines used by FSIS in directing resources for monitoring and controlling potentially harmful residues of chemical compounds in meat and poultry products.

FOR FURTHER INFORMATION CONTACT: Dr. W.R. Miller, Director, Residue Evaluation and Planning Division, Science Program, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-2807.

SUPPLEMENTARY INFORMATION: As part of its meat and poultry inspection program, FSIS conducts a residue program whereby residues of chemical compounds, such as animal drugs and pesticides, are monitored and controlled. Residues in meat and poultry tissues may result from a variety of sources. Violative residues from animal drugs and medicated feed often occur when the drug is used too near the time of slaughter of the livestock or poultry. Most pesticide residues result from the exposure of animals to pesticides applied to buildings, grazing areas, or feed storage areas.

Although most chemicals are appropriately used in livestock and poultry production, misues of these compounds does occur and may result in adulterating residues that ultimately cause the condemnation of carcasses or parts.

FSIS cannot monitor all chemical residues that may contaminate meat and poultry products and, therefore, must determine which chemical compounds have a greater public health significance. To assist in this determination, FSIS has developed the CES which is a well-defined, systematic approach used in evaluating chemical compounds and ranking their importance for residue monitoring. FSIS then assigns available resources and residue monitoring efforts accordingly.

FSIS hereby announces the development and availability of the CES document. Copies of CES may be obtained, without charge, from Dr. Miller at the above address.

Done at Washington, DC, on December 28, 1987.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 88-482 Filed 1-11-88; 8:45 am]
BILLING CODE 3410-DM-M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of application for an amendment to an export trade certificate of review.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an amendment to an export trade certificate of review. This notice summarizes the amendment and requests comments relevant to whether the certificate should be amended.

FOR FURTHER INFORMATION CONTACT: John E. Stiner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue export trade certificates of review. A certificate of review protects the holder and the members identified in the certificate from private treble damage actions and from civil and criminal liability under Federal and state antitrust laws for the export conduct specified in the certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 87-A0001."

OETCA has received the following application for an amendment to Export Trade Certificate of Review #87-A0001, which was issued on April 10, 1987 (52 FR 12578, April 17, 1987).

Applicant: American Film Marketing Association ("AFMA") 10000 Washington Boulevard; Suite S266 Culver City, CA 90232 (formerly located in Los Angeles, CA) Contact: Jerald A. Jacobs, legal counsel Telephone: 202/223-4400

Application No.: 87-A0001

Date Deemed Submitted: December 31, 1987

Summary of the Application

AFMA seeks to amend its certificate to:

1. Add each of the following companies (but not their controlling entities) as a "Member" within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2 (1): A.I.P. Distribution, Inc., Los Angeles, CA; Cineplex Odeon Films Int'l., Los Angeles, CA (controlling entity: Cineplex Odeon Corp.); Cinevest Entertainment Group, Inc., New York, NY; Double Helix Films, Inc., New York, NY; Ferde Grofe Films, Inc., Santa Monica, CA; Filmtrust Motion Picture Licensing, Culver City, CA; Image Organization, Los Angeles, CA; Imperial Entertainment, Hollywood, CA; J + M Film Sales, Los Angeles, CA (controlling

entity: J + M Entertainment); The Movie Group, Los Angeles, CA; Nova International Films, Beverly Hills, CA; Paul International, Inc., Los Angeles, CA; Virgin Vision Ltd., Los Angeles, CA (controlling entity: Virgin Films Ltd.); Vision International, Beverly Hills, CA; and Weintraub Entertainment Group, Los Angeles, CA.

2. Delete each of the following companies as a "Member" of the certificate: Embassy Films, Inc.; Granat Releasing Corp.; International Video Entertainment; JAD Films Int'l Inc.; RKO Programmes International; and UAA Films, Inc.

3. Change the listing of the company name for each current "Member" cited in this paragraph as follows: change Inter Planetary Pictures to American First Run; F/M Entertainment Int'l./Inc. to F/M Entertainment Int'l./Inc./The Norkat Co. Ltd.; Interaccess Film Dist. to Vestron International Group; International Film Representatives to Marshall Entertainment; Shapiro Entertainment Corp. to Shapiro/Glickenhaus Ent.; Showtime/The Movie Channel to Viacom International, Inc.; and Manson International to M.C.E.G./Manson Int'l.

Date: January 5, 1988.

John E. Stiner,

Director, Office of Export Trading Company Affairs.

[FR Doc. 88-469 Filed 1-11-88; 8:45 am]

BILLING CODE 3510-DR-M

President's Export Council, Foreign Trade Practices and Negotiations Subcommittee and the Trade Expansion Subcommittee; Open Meeting

A joint meeting of the President's Export Council Subcommittee on Foreign Trade Practices and Negotiations and Subcommittee on Trade Expansion will be held February 3, 1988, 9:30 a.m.–11:30 a.m. and 1:00 p.m.–3:30 p.m. at the J. W. Marriott, 1331 Pennsylvania Avenue, NW., Washington, DC. The Council's purpose is to advise the President on matters relating to U.S. export trade.

Open Session: Panel discussions on agriculture in the GATT.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes, contact Sylvia Lino (202) 377–1125

Dated: January 5, 1988.

Wendy H. Smith,

Director, President's Export Council.

[FR Doc. 88-470 Filed 1-11-88; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Levels for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Bangladesh Effective on February 1, 1988

January 7, 1988.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on February 1, 1988. For further information contact Kimbang Pham, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377–3715.

Summary: In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to control imports of certain cotton and man-made fiber textile products, produced or manufactured in Bangladesh and exported during the twelve-month period which begins on February 1, 1988 and extends through January 31, 1989, at the designated levels.

Background: Pursuant to its authority under Section 204 of the Agricultural Act of 1956, as amended, and the Bilateral Cotton and Man-Made Fiber Textile Agreement of February 19 and 24, 1986, as amended, and as translated to the new category system, the Committee for the Implementation of Textile Agreements will establish specific limits for the People's Republic of Bangladesh for cotton and man-made fiber textile products in Categories 331, 334, 335, 336, 338/339, 340/640, 341, 342/642, 347/348, 635, 638/639, 641, 645/646 and 647/648, produced or manufactured in Bangladesh and exported during the twelve-month period which begins on February 1, 1988 and extends through January 31, 1989.

A description of the textile categories in terms of T.S.U.S.A. numbers is available in the Correlation: Textile and Apparel Categories with Proposed Tariff Schedule of the United States Annotated. See **Federal Register** notice dated September 25, 1987 (52 FR 36604), as amended on October 16, 1987 (52 FR 39264).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

January 7, 1988.

Commissioner of Customs

Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton and Man-Made Fiber Textile Agreement of February 19 and 24, 1986, as amended, between the Governments of the United States and the People's Republic of Bangladesh; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Bangladesh and exported during the twelve-month period which begins on February 1, 1988 and extends through January 31, 1989, in excess of the following limits:

Category	Twelve-month restraint limit
331	567,418 dozen pairs.
334	68,328 dozen.
335	122,684 dozen.
336	63,600 dozen.
338/339	636,000 dozen.
340/640	1,491,968 dozen of which not more than 343,153 dozen shall be in shirts made from fabric with two or more colors in the warp and/or filling in Category 340pt./640pt.[1]
341	1,235,960 dozen of which not more than 432,586 dozen shall be in shirts made from fabric with two or more colors in the warp and/or filling in Category 341pt.[2]
342/642	209,880 dozen.
347/348	1,112,364 dozen.
635	154,836 dozen.
638/639	821,500 dozen.
641	498,712 dozen of which not more than 174,549 dozen shall be in Category 641pt.[3]
645/646	192,920 dozen.
647/648	674,160 dozen of which not more than 438,204 dozen shall be in Category 647pt./648pt.[4]

[1] In Category 340pt., only TSUSA numbers 381.0522, 381.5500, 381.5610, 381.5625, 381.5637, and 381.5660. In Category 640pt., only TSUSA numbers 381.3132, 381.3142, 381.3152, 381.9535, 381.9547 and 381.9550.

[2] In Category 341pt., only TSUSA numbers 384.4608, 384.4610, 384.4612 and 384.4787.

[3] In Category 641pt., only TSUSA numbers 384.9110 and 384.9120.

[4] In Category 647pt./648pt., only TSUSA numbers 381.2370, 381.2375, 381.2859, 381.3190, 381.3335, 381.3549, 381.6679, 381.6984, 381.8531, 381.8672, 381.8835, 381.8840, 381.9234, 381.9310, 381.9575, 381.9580, 381.9846, 381.9974, 384.1950, 384.2010, 384.2015, 384.2017, 384.2030, 384.2040, 384.2050, 384.2267, 384.2345, 384.2348, 384.2351, 384.2355, 384.2667, 384.2783, 384.5482, 384.5684, 384.7756, 384.7858, 384.8241, 384.8242, 384.8244, 384.8245.

384.8247, 384.8256, 384.8258, 384.9000, 384.9172, 384.9174, 384.9176, 384.9372 and 384.9678.

To the extent that trade which now falls in the foregoing categories is within a category limit for the previous restraint periods, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The foregoing limits are subject to adjustment in the future according to the terms of the bilateral agreement of February 19 and 24, 1986, as amended, which provide in part, that specific limits may be adjusted by designated percentages for carryover. Appropriate adjustments will be made to you by letter.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-526 Filed 1-11-88; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Special Operations Policy Advisory Group;

The Special Operations Policy Advisory Group (SOPAG) will meet on 18 March 1988 in the Pentagon, Arlington, Virginia to discuss sensitive, classified topics.

The mission of the SOPAG is to advise the Office of the Secretary of Defense on Key policy issues related to the development and maintenance of effective Special Operations Forces.

In accordance with section 10(d) of Pub. L. 92-463, the "Federal Advisory Committee Act," and section 552b(c)(1) of Title 5, United States Code, this meeting will be closed to the public.

Linda M. Bynum,

OSD Federal Register Liaison, Department of Defense.

January 7, 1988.

[FR Doc. 88-484 Filed 1-11-88; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

State Student Incentive Grant Program

AGENCY: Department of Education.

ACTION: Notice of closing date for receipt of State applications for Fiscal Year 1988.

SUMMARY: The Secretary gives notice of the closing date for receipt of State applications for Fiscal Year 1988 funds under the State Student Incentive Grant (SSIG) Program. This program, through matching formula grants to States for student awards, provides a nationwide delivery system for grants for students with substantial financial need.

A State that desires to receive SSIG funds for any fiscal year must have an agreement with the Secretary as provided for under the authorizing law, and must submit an application through the State agency that administered its SSIG Program on July 1, 1985.

The Secretary is authorized to accept applications from the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands, provided they have executed the required agreement.

Authority for this program is contained in section 415A through 415D of the Higher Education Act of 1965, as amended (HEA).

(20 U.S.C. 1070c-1070c-4)

Closing Date for Transmittal of Applications: Applications for Fiscal Year 1988 SSIG funds must be mailed or hand-delivered by February 19, 1988.

Applications Delivered by Mail: Applications sent by mail must be addressed to the U.S. Department of Education, Office of Student Financial Assistance, 400 Maryland Avenue SW., Washington, DC 20202 and marked for the attention of Dr. Neil C. Nelson, Chief, State Student Incentive Grant Program, Room 4018, ROB-3. The Department of Education requires proof of mailing. Proof of mailing consists of one of the following: (1) A legibly mail receipt with the date of mailing stamped by the U.S. Postal Service; (2) a legible dated U.S. Postal Service postmark; or (3) any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark; or (2) a mail receipt that is not dated by the U.S. Postal Service. State Agencies should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, State Agencies should check with their local post offices. The Department of Education encourages State Agencies to use registered or at least first-class mail.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the U.S. Department of Education, Office of Student Financial Assistance, 7th & D Streets SW., Room 4018, GSA Regional Office Building No. 3, Washington, DC. Hand-delivered applications will be accepted between 8:00 a.m. and 4:30 p.m. daily (Washington, DC time), except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: The Secretary requires an annual submission of an application for receipt of SSIG funds. In preparing an application, each State Agency should be guided by the table of allotments provided in the application package.

Basic State allotments, to the extent needed by the States are determined by formula and are not subject to negotiations. The States may also require a share of reallotments, in addition to their basic allotments, contingent upon the availability of such funds from allotments to any States unable to use all their basic allotments. In FY 1987, all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands participated in the SSIG assistance delivery network.

Applications Forms: The required application form for receiving SSIG funds will be mailed to officials of appropriate State Agencies at least 30 dys before the closing date.

Applicable Regulations: The following regulations are applicable to the SSIG Program:

(1) The State Student Incentive Grant Program regulations (34 CFR Part 692).

(2) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants) except for Subpart G, Part 76 (State-Administered Programs), Part 77 (Definitions That Apply to Department Regulations), and Part 78 (Education Appeal Board).

(3) The regulations in 34 CFR Part 604 the implement section 1203 of the HEA (Federal-State Relationship Agreements).

(4) The Student Assistance General Provisions in Subpart A of 34 CFR Part 668.

For Further Information: For further information contact Dr. Neil C. Nelson, Chief, State Student Incentive Grant Program, Office of Student Financial Assistance, U.S. Department of Education, Washington, DC 20202; telephone (202) 732-4507.

(20 U.S.C. 1070c-1070c-4)

(Catalog of Federal Domestic Assistance Number 84.069, State Student Incentive Grant Program)

Dated: January 6, 1988.

C. Ronald Kimberling,

Assistant Secretary of Postsecondary Education.

[FR Doc. 88-519 Filed 1-11-88; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3214-7]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICR is available for review and comment.

FOR FURTHER INFORMATION CONTACT: Carla Levesque at EPA, (202) 382-2740 (FTS 382-2740).

SUPPLEMENTARY INFORMATION:

Office of Solid Waste and Emergency Response

Title: Survey of Municipal Waste Combustors. (EPA ICR #1397).

Abstract: EPA proposes to develop a strategy for municipal waste combustion ash that addresses potential health and environmental effects and provides a management scheme for handling and disposing of the ash. The data collected will allow EPA to determine the impact or burden on the Municipal Waste Combustors (MWC) industry of alternative new source performance standards and emission guidelines for regulating emissions from new and existing MWCs.

Respondents: Owners and Operators of Municipal Waste Combustors.

Estimated Burden: 2,600 hours

Frequency of Collection: One time

Comments on the abstracts on this notice may be sent to:

Carla Levesque, U.S. Environmental Protection Agency, Office of Standard and Regulation (PM-223), Information and Regulatory Systems Division, 401 M St., SW., Washington, DC 20460

and

Nicolas Garcia, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3019), 726 Jackson Place, NW., Washington, DC 20503

Date: December 28, 1987

Daniel Fiorino,

Director, Information Regulatory Systems Division.

[FR Doc. 88-502 Filed 1-11-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Systems Subcommittee, Advisory Committee on Advanced Television Service; First Meeting

The first meeting of the Systems Subcommittee of the Advisory Committee on Advanced Television Service will be held on January 25, 1988, in the Commission Meeting Room (856), 1919 M Street, NW. The meeting will start at 1:00 p.m. All interested parties are invited to attend.

The objective of the Systems Subcommittee is to specify the transmission/reception facilities appropriate for providing advanced television service in the United States. Dr. Irwin Dorros, Bellcore is the Chairman of the Systems Subcommittee. The agenda for the first meeting will consist of:

1. Introduction.
2. Objectives and Organization.

—charter and scope of the Subcommittee
—organization of the Subcommittee

3. Remarks by the Subcommittee Vice Chairmen.
4. Procedural Guidelines.

—membership in the Subcommittee
—meeting announcements
—decision methods
—documentation and distribution
—treatment of ATS candidate systems
—target work plan
—membership in the Working Parties; distribution of sign-up sheets

5. Working Party 1—Systems Analysis.

—charter
—organization
—work plan and objectives
—meeting schedule

6. Working Party 2—System Evaluation and Testing.

—charter
—organization
—work plan and objectives
—meeting schedule

7. Working Party 3—Economic Assessment.

—charter
—organization
—work plan and objectives
—meeting schedule

8. Working Party 4—ATS System Standard.

—charter
—organization
—work plan and objectives
—meeting schedule

9. Closing.

—collection of Working Party sign-up sheets
—Subcommittee meeting schedule
—discussion

Any questions regarding this meeting should be directed to Mr. Bruce Franca at (202) 632-7060.

Federal Communications Commission

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-511 Filed 1-11-88; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1704]

Petitions for Reconsideration and Clarification of Actions in Rulemaking Proceedings

January 7, 1988.

Petitions for reconsideration and clarification have been filed in the Commission rulemaking proceeding listed in this public notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor, International Transcription Service (202-857-3800). Oppositions to these petitions must be filed by January 28, 1988. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Parts 2, 22 and 25 of the Commission's rules to Allocate Spectrum for, and to

Establish Other Rules and Policies Pertaining to the Use of Radio Frequencies in a Land Mobile Satellite Service for the Provision of Common Carrier Services. (Gen. Docket No. 84–1234, RM–4247)

Number of petitions received: 1

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Santa Margarita and Guadalupe, California) (MM Docket No. 86–289, RM's 5389 & 5552)

Number of petitions received: 1

Subject: Inquiry into Policies to be Followed in the Authorization of Common Carrier Facilities to Provide Telecommunications Service Off of the Island of Puerto Rico. (CC Docket No. 86–309)

Number of petitions received: 4

Subject: Petition for Modification of § 68.318(b) of the Commission's rules. (CC Docket No. 86–423, RM–5363)

Number of petitions received: 1

Note.—The above petition for reconsideration was inadvertently listed on Report No. 1701, Mimeo No. 1091, released December 28, 1987, as being filed in CC Docket No. 85–166. Therefore the filing dates for responses is modified to correspond with this public notice.

Subject: Amendment of Part 15 of the Commission's Rules Concerning Input Selector Switches Used in Conjunction with Cable Television Service. (Gen Docket No. 87–107)

Number of petitions received: 1

Federal Communications Commission

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88–512 Filed 1–11–88; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Susan Lundborg et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City and State	File No.	MM Docket No.
A. Susan Lundborg	South Padre Island, TX	BPH–850712R8	87–561
B. Rio Bravo, Ltd.	South Padre Island, TX	BPH–850712S2	
C. Tony A. Cranford	South Padre Island, TX	BPH–850712R6 (Dismissed)	
D. Texas Media Group, Inc.	South Padre Island, TX	BPH–850712R7 (Dismissed)	
E. South Padre FM Group	South Padre Island, TX	BPH–850712R9 (Dismissed)	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding hearings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name above is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant

1. Environment, A
2. Comparative, A, B
3. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 88–513 Filed 1–11–88; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Robert J. Wolfe et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City and state	File No.	MM Docket No.
A. Robert J. Wolf & Shirley P. Wolf, Woodstock, VT.	BPH–860808MC	87–562
B. Devine Providence Broadcasting, Inc., Woodstock, VT.	BPH–860811MB	
C. Katherine T. McCann, Woodstock, VT.	BPH–860811MC	
D. Jerry Young, Woodstock, VT.	BPH–860811MH	

2. Pursuant to section 309(e) of the Communications Act of 1935, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicants

1. Comparative, A,B,C,D
2. Ultimate, A,B,C,D

3. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 88–514 Filed 1–11–88; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreements No.:

203–009735–021

203–009735–022
Title: Steamship Operators Intermodal Committee
Parties:
American President Lines, Ltd.
Associated Container Transportation (USA)
Atlantic Container Line, Inc.
Barber Lines, A/S
Chilean Line
Columbus Lines, Inc.
Evergreen International Corp.
Farrell Lines, Inc.
Grancolombiana (New York), Inc.
Japan Line (USA), Ltd.
Kawasaki Kisen Kaisha, Ltd.
Lykes Bros. Steamship Co., Inc.
Maersk Line
Mitsui O.S.K. Lines, Ltd.
Neptune Orient Line, Ltd.
Netumar Lines
Nippon Yusen Kaisha
Sea-Land Service, Inc.
Showa Line, Ltd.
Trans Freight Lines, Inc.
Yamashita-Shinnihon Steamship Co., Inc.
Yangming Line
Zim Israel Navigation Co., Ltd.
Synopsis: The proposed amendments would delete Coordinated Caribbean Transport, Inc.; Venezuelan Line (C.A. Venezolana de Navegacion) and South African Marine Corporation as parties to the agreement.

By order of the Federal Maritime Commission.

Dated: January 7, 1988.

Joseph L. Polking,

Secretary.

[FR Doc. 88–477 Filed 1–11–88; 8:45 am]

BILLING CODE 6730–01–M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–010740–001
Title: Virginia International Terminals Agreement
Parties:
Virginia International Terminals, Inc.
Seapac Services, Inc.
Neptune Orient Lines, Inc.
Kawasaki Kisen Kaisha, Ltd.
Synopsis: The proposed agreement amends the basic agreement to add Kawasakai Kisen Kaisha, Ltd. ("K" Line) as a party to the agreement.

Agreement No.: 224–011080–002
Title: Philadelphia Port Corporation Terminal Agreement
Parties: Philadelphia Port Corporation
I.T.O. Corporation
Synopsis: The proposed agreement would: (1) Extend the term of the basic agreement for sixty days until March 5, 1988; and (2) provide the option to extend for three additional 60-day periods upon mutual consent, with notification to this Commission of each such extension.

Agreement No.: 224–200080
Title: Philadelphia Port Corporation Terminal Agreement
Parties: Philadelphia Port Corporation (PPC) I.T.O. Corporation (ITO)
Synopsis: The proposed agreement settles outstanding claims and disputes arising out of I.T.O.'s subleases from PPC of certain breakbulk facilities at the Tioga Marine Terminal. The agreement results in the termination of Agreement Nos. T–3092 and T–4151.

By Order of the Federal Maritime Commission.

Dated: January 7, 1988.

Joseph C. Polking,

Secretary.

[FR Doc. 88–478 Filed 1–11–88; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

January 6, 1988.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATE: Comments must be received on or before February 3, 1988.

ADDRESS: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or delivered to room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB Desk Officer for the Board: Robert Fishman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name follows: Federal Reserve Board Clearance Officer, Nancy Steele, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3822).

Proposal to approve under OMB delegated authority the extension, without revision, of the following reports:

1. *Report Title:* Domestic Branch Application
Agency Form Number: FR 4001
OMB Docket Number: 7100–0097
Frequency: On occasion
Reporters: State member banks
Annual Reporting Hours: 95
Small businesses are affected.
General Description of Report:

This information collection is mandatory (12 U.S.C. 321) and is not given confidential treatment.

Whenever a state member bank wishes to establish a domestic branch, it must receive the approval of the Federal Reserve by filing a domestic branch application, which is in the form of a letter addressed to the appropriate Federal Reserve Bank.

2. *Report Title:* Investment in Bank Premises Application
Agency Form Number: FR 4014
OMB Docket Number: 7100–0139
Frequency: On occasion
Reporters: State member banks
Annual Reporting Hours: 50
Small businesses are affected.
General Description of Report:

This information collection is mandatory (12 U.S.C. 371d) and is not given confidential treatment.

Whenever a new investment in bank premises by a state member bank causes that bank's total dollar investment in bank premises to exceed 100 percent of the bank's capital stock account, the bank is required to send an application to the appropriate Reserve Bank requesting permission from the Federal Reserve to proceed.

3. *Report Title:* Application to Issue Capital Notes
Agency Form Number: FR 4015
OMB Docket Number: 7100–0140
Frequency: On occasion
Reporters: State member banks
Annual Reporting Hours: 25
General Description of Report:

This information collection is mandatory (12 U.S.C. 461 and 12 CFR 204.2(a)(1)(vii)(c)) and is not given confidential treatment.

Whenever a state member bank wishes to issue capital notes, it is required to file a letter-form application with the appropriate Reserve Bank asking for approval from the Federal Reserve.

Board of Governors of the Federal Reserve System, January 6, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88–463 Filed 1–11–88; 8:45 am]

BILLING CODE 6210–01–M

Algemene Bank Nederland, N.V., et al.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Boards Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(C)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 29, 1988.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Algemene Bank Nederland, N.V.*, Amsterdam, The Netherlands; A.B.N.—Stichting, Amsterdam, The Netherlands; ABN/LaSalle North America, Inc., Chicago, Illinois; and LaSalle National Corporation, Chicago, Illinois; to acquire 100 percent of the voting shares of Lane Financial, Inc., Northbrook, Illinois, and thereby indirectly acquire Lake View Trust & Savings Bank, Chicago, Illinois; Northwest National Bank of Chicago, Chicago, Illinois; Northbrook Trust & Savings Bank, Northbrook, Illinois; and Bank of Westmont, Westmont, Illinois.

In connection with this application, Applicant also proposes to acquire Lane Life Insurance Company, Inc., Northbrook, Illinois, and thereby engage in insurance activities that are directly related to an extension of credit by Applicant and its subsidiaries, and reinsurance of credit life and credit disability insurance that is directly related to extensions of credit pursuant to § 225.25(b)(8)(i); Lane Mortgage Corporation, Northbrook, Illinois, and thereby engage in making, acquiring, or servicing loans or other extensions of credit pursuant to § 225.25(b)(1); and Lane Data Services, Inc., Northbrook, Illinois, and thereby engage in data processing and data transmission services pursuant to § 225.25(b)(7) of the Board's Regulation Y.

B. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Carlson Bankshares, Inc.*, Comfrey, Minnesota; to acquire 87.76 percent of the voting shares of First State Bank of New London, New London, Minnesota.

In connection with this application, Applicant also proposes to acquire New London Agency, Inc., New London, Minnesota, and thereby engage in insurance activities in the town of New London, Minnesota, and the surrounding area pursuant to § 225.25(b)(8)(iii)(A) of the Board's Regulation Y. Comments on this application must be received by February 3, 1988.

Board of Governors of the Federal Reserve System, January 6, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88–464 Filed 1–11–88; 8:45 am]

BILLING CODE 6210–01–M

Change in Bank Control; Acquisitions of Shares of Banks or Bank Holding Companies; James E. Berkely et al.

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice

or to the offices of the Board of Governors. Comments must be received not later than January 27, 1988.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *James E. Berkely*, Stockton, Kansas; to acquire an additional 2.26 percent of the voting shares of Western Bancshares, Inc., Stockton, Kansas, and thereby indirectly acquire Rooks County State Bank, Woodston, Kansas.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Richard V. Campana*, Scottsdale, Arizona, to acquire 1.33 percent; Von E. Dix, Scottsdale, Arizona, to acquire 1.33 percent; Larry A. Gunning, Paradise Valley, Arizona, to acquire 1.33 percent; and Robert J. Schaefer, Scottsdale, Arizona, to acquire 1.33 percent of the voting shares of Scottscom Bancorp, Inc., Scottsdale, Arizona, and thereby indirectly acquire Scottscom Bank, Scottsdale, Arizona.

Board of Governors of the Federal Reserve System, January 6, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-465 Filed 1-11-88; 8:45 am]

BILLING CODE 6210-01-M

Enterprise Bancorp, Inc.; Formations of, Acquisition by, and Mergers of Bank Holding Companies; Correction

This notice corrects a previous **Federal Register** notice (FR Doc. 87-29939) published at page 49509 of the issue for Thrusday, December 31, 1987.

Under the Federal Reserve Bank of Dallas, the entry for Enterprise Bancorp is revised to read as follows:

A. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Enterprise Bancorp, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares of Enterprise Bank—West, N.A., Houston, Texas.

Comments on this application must be received by January 14, 1988.

Board of Governors of the Federal Reserve System, January 6, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-466 Filed 1-11-88; 8:45 am]

BILLING CODE 6210-01-M

Somers Bancorporation et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14) of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Insterested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 3, 1988.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Somers Bancorporation*, Des Moines, Iowa; to become a bank holding company by acquiring 80 percent of the voting shares of Somers Saving Bank, Somers, Iowa.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Aspen Bank Shares, Ltd.*, Aspen, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of Pitkin County Bank & Trust Co., Aspen, Colorado.

2. *Central of Kansas, Inc.*, Junction City, Kansas; to acquire the successor by merger of The Peoples Interim National Bank of Clay Center, Clay Center, Kansas, and the Peoples National Bank of Clay Center, Clay Center, Kansas. Comments on this application must be received by February 3, 1988.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *First Interstate Bancorp of Colorado*, Denver, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of First Interstate Bank of Denver, N.A., Denver, Colorado.

Board of Governors of the Federal Reserve System, January 6, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-467 Filed 1-11-88; 8:45 am]

BILLING CODE 6210-01-M

Trustcorp, Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval undersection 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than January 28, 1988.

A. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Trustcorp, Inc.*, Toledo, Ohio; to expand to a nationwide basis the geographic scope of the current activities of its subsidiary, Trustcorp Mortgage Company, South Bend, Indiana, which engages in originating, acquiring, selling and servicing residential, commercial, and industrial mortgage loans; and making construction and development construction loans pursuant to § 225.25(b)(1) of the Board's Regulation Y.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *R & J Financial Corporation*, Elma, Iowa; to engage in insurance activities in a town of less than 5,000 pursuant to §§ 225.25(b)(8)(iii) and 225.25(b)(8)(iv) of the Board's Regulation Y. These activities will be conducted in Elma, Iowa, and the immediate contiguous area.

Board of Governors of the Federal Reserve System, January 6, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-468 Filed 1-11-88; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Immunization Practices Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Date: February 10-11, 1988.

Place: Conference Room 207, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact Person: Jeffrey P. Koplan, M.D., Executive Secretary of Committee, Centers for Disease Control (1-2047), 1600 Clifton Road, NE., Atlanta, Georgia 30333, Telephone: FTS: 236-3751, Commercial: 404/639-3751.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents.

Agenda: The Committee will discuss influenza, Japanese B encephalitis, BCG, Yellow Fever, Hepatitis B and Hemophilus influenzae type B infections and vaccines.

Agenda items are subject to change as priorities dictate.

Dated: January 6, 1988.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 88-505 Filed 1-11-88; 8:45 am]

BILLING CODE 4160-18-M

Health Care Financing Administration

Privacy Act of 1974; Report of New System

AGENCY: Health Care Financing Administration (HCFA), Department of Health and Human Services (HHS).

ACTION: Notice of new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, we are proposing to establish a new system of records, the "1988 Physicians' Practice Costs and Incomes Survey", HHS/HCFA/ORD No. 09-70-0037. We have provided background information about the proposed system in the "Supplementary Information" section below.

DATES: HCFA filed a new system report with the Speaker of the House, the President of the Senate, and the Administrator, Office of Information and Regulatory Affairs, Executive Office of Management and Budget (EOMB) on January 7, 1988. The new system of records, including routine uses, will become effective March 7, 1988, unless HCFA receives comments which would convince us to make a contrary determination. HCFA invites public comments by February 11, 1988, with respect to routine uses of the system.

ADDRESS: The Public should address comments to Richard A. DeMeo, Privacy Act Officer, Office of Management and Budget, Health Care Financing Administration, Room C-M-1, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207. Comments received will be available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Deborah K. Williams, Office of Research and Demonstrations, Health Care Financing Administration, Room 2-B-14 Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone 301-594-7623.

SUPPLEMENTARY INFORMATION: HCFA proposes to initiate a new system of records collecting data under the authority of section 1845(e)(4)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-1(e)(4)(C)(ii), which was added by section 9331(e) of the Omnibus Budget Reconciliation Act of 1986 (OBRA-86), Pub. L. 99-509. Section 1845(e)(4)(C)(ii) mandates HCFA to develop measures of geographic differences in medical practice cost. It specifically directs the Secretary "to collect data with respect to the costs of practice (including but not limited to data on nonphysician personnel costs, malpractice insurance costs, and commercial rents)" for the purpose of refining an interim geographic-based practice cost index. Further authority for the new system is provided under section 1842(b)(3) of the Act (42 U.S.C. 1395u(b)(3)), as amended by section 224 of the Social Security Amendments of 1972, Pub. L. 92-603.

Section 1842(b)(3), relating to the determination reasonable charges, among other things, requires the Secretary to justify "on the basis of appropriate economic index data" any increases in the prevailing charge levels for physician services for a given fiscal year. Section 1842(b)(3) is implemented in the Medicare regulations for determining prevailing charge at 42 CFR 405.504.

In 1975, the Health Care Financing Administration began a periodic survey of physicians' practice costs and incomes for the purpose of refining the Medicare Economic Index and to provide data on physicians that was not publicly available elsewhere. Surveys in 1975, 1976, 1977, 1978 and 1983 gathered data on practice income, office expenses and insurance variables.

The purpose of the 1988 Physicians' Practice Costs and Incomes Survey is to collect data necessary for the development of a Geographic Cost of Practice Index, and secondarily to update the weights of the cost shares of the Medicare Economic Index (MEI). In addition to updating the cost shares, the survey will collect data on physician fees, practice patterns and financial arrangements. The system of records will include data collected through a sample survey of physicians in the United States who have patient care as their major professional activity.

In order to conduct the survey, the contractor must have individually identified records. Since we are proposing to establish this system of records in accordance with the requirements and principles of the Privacy Act, we do not anticipate that it will have an unfavorable effect on the privacy or other personal rights of individuals.

The Privacy Act permits us to disclose information without the consent of the

individual for "routine uses"—that is, disclosures for purposes that are compatible with the purpose for which we collected the information. The proposed routine uses in the new system meet the compatibility criteria since the information is collected for the purpose of implementing those sections of the Medicare statute previously cited. We anticipate that disclosures under the routine uses will not result in any unwarranted adverse effects on personal privacy.

Dated: January 5, 1988.

William L. Roper,

Administrator, Health Care Financing Administration.

09-70-0037

SYSTEM NAME:

1988 Physician's Practice Costs and Incomes Survey, HHS/HCFA/ORD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

A Contractor site will be determined when the contract is executed. Contact the Systems Manager for the location of the Contractor.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals covered by this system will be a sample of at least 5000 physicians who provide patient care at least 20 hours per week in either an office or hospital based setting, and who live in the 50 United States and the District of Columbia.

CATEGORIES OF RECORDS IN THE SYSTEM:

Practice costs (e.g., rent or depreciation for space and equipment, employee salaries and fringe benefits, malpractice insurance, transportation), gross and net income, deferred income and fringe benefits, practice financial arrangements, fees, workloads.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1845(e)(4)(C)(ii) of the Social Security Act (42 U.S.C. 139w-1(e)(4)(C)(ii)). Section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)).

PURPOSE OF THE SYSTEM:

To provide data required for development of the Geographic Cost of Practice Index and to refine the cost share weights of the Medicare Economic Index.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Disclosure may be made:

1. To contractors for the purpose of collating, analyzing, aggregating or otherwise refining or processing records in this system, or for developing, modifying and/or manipulating ADP software. Data would also be disclosed to contractors incidental to consultation, programming, operation, user assistance, or maintenance for ADP or telecommunications systems containing or supporting records in the system.

2. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. To the Department of Justice, to a court or other tribunal, or to another party before such tribunal, when

(a) HHS or any component thereof; or

(b) Any HHS employee in his or her official capacity; or

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the tribunal, or the other party is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however that in each case HHS determines that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and magnetic tape.

RETRIEVABILITY:

Information will be retrieved by a unique identifier assigned by the contractor to each physician record.

SAFEGUARDS:

The contractor will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. For computerized records, the contractor will initiate automated processing (ADP) system security procedures required by DHHS ADP Systems Manual, Part 6, ADP Systems (e.g., use of passwords), and the National Bureau of Standards Federal Information Processing Standards. HCFA and other contractors using the data will not be able to identify the individual physicians who participated in the survey.

RETENTION AND DISPOSAL:

Hardcopy lists of names and case identification numbers will be retained in secure storage areas. Individual records delivered to HCFA on the final data tape will contain no individual names, and the case identifiers will be different from those used by the contractor. All identifying names and numbers will be stripped from the magnetic tape. Hardcopy lists of names and identifying numbers will be destroyed at this time.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Research and Demonstrations, Health Care Financing Administration, Room 223, Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the System Manager at the address indicated above and specify name and address.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requestors should also reasonably specify the record contents being sought. (These procedures are in accordance with HHS Regulations (45 CFR 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the System Manager named above, and reasonably identify the record and specify the information to be contested. State the reason for contesting it (e.g., why it is inaccurate, irrelevant, incomplete, or not current.) (These procedures are in accordance with HHS Regulations (45 CFR 5b.7).)

RECORD SOURCE CATEGORIES:

Source of information contained in this record system include data collected from physicians by means of a telephone interview survey. Data will also be provided by the American Medical Association from its master file of physicians in the U.S.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 88-462 Filed 1-11-88; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service Clearance Officer and the OMB Interior Desk Officer, Washington, DC 20503, telephone 202–395–7340

Title: Sandhill Crane Harvest Questionnaire.

Abstract: Sandhill Crane hunting is authorized in eight Midwestern States. Information on the magnitude and composition of the harvest is needed for sound management and to preclude overharvest of the species. The subject questionnaire provides the major part of that information.

Service Form Number(s): 3–530 (original questionnaire), and 3–156a (followup questionnaire to nonrespondents).

Frequency: Annually.

Description of Respondents: Lesser Sandhill Crane Hunters.

Annual Responses: 7,300.

Annual Burden Hours: 606.

Service Clearance Officer: James E. Pinkerton, 202–653–7500.

Dated: December 23, 1987.

Marvin L. Plenert,

Acting Assistant Director, Refuges and Wildlife.

[FR Doc. 88–460 Filed 1–11–88; 8:45 am]

BILLING CODE 4310-AN-M

Comprehensive Conservation Plan, Environmental Impact Statement, and Wilderness Review (Plan); Alaska Peninsula National Wildlife Refuge, AK

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of record of decision.

SUMMARY: The U.S. Fish and Wildlife Service (the Service) has issued a Record of Decision (Decision) on the Comprehensive Conservation Plan, Environmental Impact Statement, and Wilderness Review for the Alaska Peninsula National Wildlife Refuge (Refuge), Alaska, pursuant to sections 304(g)(1), 1008, and 1317 of the Alaska National Interest Lands Conservation Act of 1980 (Alaska Lands Act); section 3(d) of The Wilderness Act of 1964; and section 102(2)(C) of the National Environmental Policy Act of 1969.

DATE: This Decision on the plan will be implemented immediately with specific management plans undergoing development and regulations proposed for promulgation. The Wilderness Review will not be final until a Supplemental Environmental Impact Statement is completed, including an opportunity for public review and comment.

FOR FURTHER INFORMATION CONTACT: William Knauer, Refuges and U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786–3399.

Copies of the Decision will be sent to all persons and organizations on the mailing list. Others wishing to receive a copy of the Decision may obtain one by contacting Mr. Knauer.

SUPPLEMENTARY INFORMATION: The Service has selected Alternative B, with major modifications, for implementation. The Service's preferred alternative is new, resulting from public comments on the Final Plan, and contains new information regarding an oil and gas potential within the Refuge; the Service reconsidered the Preferred Alternative and decided to modify it. The modification, which reduces the amount of land proposed for wilderness designation, is based on a combination of Alternatives B and E of the Final Plan. As a result, the Service is recommending that approximately 640,000 acres on the Alaska Peninsula Refuge be added to the National Wilderness Preservation System.

Alternative B, with this modification, provides a high degree of resource protection and the greatest opportunity for achieving the purposes set forth in the Alaska Lands Act including conservation of fish and wildlife populations and habitats.

Date: January 5, 1988.

Walter O. Stieglitz,

Regional Director.

[FR Doc. 88–506 Filed 1–11–88; 8:45 am]

BILLING CODE 4310-55-M

Comprehensive Conservation Plan, Environmental Impact Statement, and Wilderness Review; Koyukuk National Wildlife Refuge and Northern Unit of the Innoko National Wildlife Refuge, AK

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of record of decision.

SUMMARY: The U.S. Fish and Wildlife Service (the Service) has issued a Record of Decision (Decision) on the Comprehensive Conservation Plan, Environmental Impact Statement, and Wilderness Review (Plan) for the Koyukuk National Wildlife Refuge and the Northern Unit of the Innoko National Wildlife Refuge, Alaska, pursuant to sections 304(g)(1), 1008, and 1317 of the Alaska National Interest Lands Conservation Act of 1980 (Alaska Lands Act); section 3(d) of The Wilderness Act of 1964; and section 102(2)(C) of the National Environmental Policy Act of 1969.

DATES: This Decision on the Plan will be implemented immediately with specific management plans undergoing development and regulations proposed for promulgation.

FOR FURTHER INFORMATION CONTACT: William Knauer, Refuges and Wildlife, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786–3399.

Copies of the Decision will be sent to all persons and organizations on the mailing list. Others wishing to receive a copy of the Decision may obtain one by contacting Mr. Knauer.

SUPPLEMENTARY INFORMATION: The Service has selected Alternative A, with several changes, for implementation. As described in the Plan, Alternative A is the alternative preferred by the Service. The Service is not recommending any additions on the Refuge to the National Wilderness Preservation System.

Alternative A provides a high degree of resource protection and a good opportunity for achieving the purposes set forth in the Alaska Lands Act, including conservation of fish and wildlife populations and habitats.

Date: January 5, 1988.

Walter O. Steiglitz,

Regional Director.

[FR Doc. 88–507 Filed 1–11–88; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 2, 1988. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the signficance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by January 27, 1988.

Carol D. Shull,

Chief of Registration, National Register.

ARIZONA

Graham County

Safford, *Arizona Bank and Trust (Safford MRA)*, 429 Main
Safford, *Bingham, Richard, House (Safford MRA)*, 208 Ninth Ave.
Safford, *Brooks, Paul, House (Safford MRA)* 1033 Fith Ave.
Safford, *Buena Vista Hotel (Safford MRA)*, 322 Main
Safford, *Cross, T. D., House (Safford MRA)*, 918 First Ave.
Safford, *Davis, William Charles, House (Safford MRA)*, 301 Eleventh St.
Safford, *Horowitz, Joe, House (Safford MRA)*, 118 Main
Safford, *House at 611 Third Avenue (Safford MRA)*, 611 Third Ave.
Safford, *O'Brien, Mathew, House (Safford MRA)*, 615 First Ave.
Safford, *Oddfellows Home (Safford MRA)*, 808 Eighth Ave.
Safford, *Olney, George A., House (Safford MRA)*, 1104 Central
Safford, *Packer, Alonzo Hamilton, House (Safford MRA)*, 1203 Central
Safford, *Ridgeway, David, House (Safford MRA)*, 928 Central
Safford, *Safford High School (Safford MRA)*, 520 Eleventh St.
Safford, *Southern Pacific Railroad Depot (Safford MRA)*, 808 Central
Safford, *Talley, Hugh, House (Safford MRA)*, 1114 Third Ave.
Safford, *Talley, William, House (Safford MRA)*, 219 Eleventh St.
Safford, *Welker, James R., House (Safford MRA)*, 1127 Central
Safford, *Wickersham, David, House (Safford MRA)*, 1101 Fifth Ave.
Safford, *Williams, Dan, House (Safford MRA)*, 603 Relation
Safford, *Wilson, J. Mark, House (Safford MRA)*, 712 Relation
Safford, *Woman's Club (Safford MRA)*, 215 Main

ARKANSAS

Benton County

Bentonville, *Alden House (Benton County MRA)*, Rt. 1
Rogers, *Blackburn House (Benton County MRA)*, 222 N. Fourth St.

Garland County

Hot Springs, *Hot Springs High School*, Oak St. between Orange and Olive Sts.

COLORADO

Denver County

Denver, Bats Grocery Store, 4336 Clayton St.
Devner, *Hendrie and Bolthoff Warehouse Building*, 1743 Wazee

CONNECTICUT

New Haven County

New Haven, *Winchester Repeating Arms Company Historic District*, Roughly bounded by Sherman Pkwy., Ivy St., Mansfield St., Admiral St., and Sachem St.

LOUISIANA

Beauregard Parish

Dry Creek, *Dry Creek High School Building*, LA 113

MASSACHUSETTS

Berkshire County

Adams, *Hoosac Street School*, 20 Hoosac St.

Essex County

Danvers, *Fox Hill School*, 81 Water St.

Franklin County

Shelburne and Buckland, *Shelburne Falls Historic District*, Bridge and State Sts.

Middlesex County

Cambridge, *Gale, George, House (Cambridge MRA)*, 14–16 Clinton St.
Malden, *Odd Fellows Building*, 442 Main St.

Suffolk County

Boston, *District 13 Police Station*, 28 Seaverns Ave.

Worcester County

East Douglas, *Jenckes, E. N., Store*, Main St.
Winchendon, *Murdock School*, Murdock Ave.

NEW JERSEY

Mercer County

Rosedale vicinity, *Hunt Farmstead, 197 Blackwell Rd.*

Monmouth County

Holmdel, *Upper Meeting House of the Baptist Church of Middletown*, 40 Main St.
Wrightsville vicinity, *Merino Hill House and Farms*, Allentown—Clarksburg Rd., CR 524

NORTH CAROLINA

Craven County

New Bern, *Riverside Historic District*, Roughly bounded by N. Craven St., North Ave., E St., and Guion St.

Guildford County

High Point, *Kirkman, O. Arthur, House and Outbuildings*, 501 W. High St.

OHIO

Delaware County

Delaware, *Neff, Edward E., House, 123 N. Franklin St.*

Franklin County

Canal Winchester, *Columbus, Hocking Valley and Toledo Railway Depot*, 100 N. High St.
Canal Winchester, *Chaney, O.P., Grain Elevator*, West Oak and N. High Sts.

WISCONSIN

Door County

Namur vicinity, *Namur Belgian—American District*, Roughly bounded by CR K, Brussels Rd., WI 57, Belgian Dr. and Green Bay

Waukesha County

Oconomowoc, *Peck, Clarence, Residence*, 430 and 434 N. Lake Rd.

[FR Doc. 88–476 Filed 1–11–88; 8:45 am]
BILLING CODE 4310–70–M

INTERNATIONAL DEVELOPMENT COOPERATION DEVELOPMENT

Agency for International Development

Housing Guaranty Program; Investment Opportunity

The Agency for International Development (A.I.D.) has authorized the guaranty of a loan for the Government of Tunisia as part of A.I.D.'s development assistance program. The proceeds of this loan will be used to finance shelter projects for low income families in Tunisia. The Goverment of Tunisia has authorized A.I.D. to request proposals from eligible investors. The name and address of representative of the Borrower to be contacted by interested U.S. lenders or investment bankers, the amount of the loan and project number are indicated below:

Government of Tunisia

Project: 664–HG–005C—$9,000,000.
Attention: Mr. Fredj Abdelmajid, Dir. Des Finances Exterieures.
Telephone: 340–588, 354–000, 651–324 or 651–328.
Telex: BANCENTUN 15375, 13308, 13309 or 13310.

Interested investors should telegram their bids to the Borrower's representative on January 19th or January 20, 1988. However, bids submitted on January 20th shall be submitted no later than 3:00 a.m. New York Time (to correspond to the opening of the business day in Tunis). Bids should be open until 3:00 a.m. New York time on January 22, 1988. Copies of all bids should be simultaneously sent to the following addresses:

Ms. Sonia Hammam, Regional Housing Officer, RHUDO/Tunis, USAID/Tunis, c/o American Embassy, Tunis, Tunisia, Telex: 13379 AMB TUN,

Telephone: 784–375, 784–300, 781–305 or 782–764.

Michael G. Kitay, Herbert T. McDevitt, Agency for International Development, GC/PRE, Room 3208 N.S., Washington, DC 20523, Telex No.: 892703 AID WSA, Telefax No. 202/647–1805 (preferred communication).

Each proposal should consider the following terms:

(a) *Amount:* U.S. $9 million.

(b) *Term:* Up to 30 years.

(c) *Grace Period on Principal:* 10 years with repayment amortizing gradually over the remaining life of the loan.

(d) *Interest Rate:* Proposals will be made on the basis of three rates: (fixed rate, variable rate, or variable rate with Borrowers option to convert to fixed rate).

(e) *Draw Down:* Net proceeds from borrowing should be disbursed to Borrower upon signing.

(f) *Prepayment:* Proposals should include the possibility of partial or total prepayment of the loan by Borrower, if pricing is not materially affected.

(g) *Fees:* Payable at closing from proceeds of loan.

Selection of investment bankers and/or lenders and the terms of the loan are initially subject to the individual discretion of the Borrower and thereafter subject to approval by A.I.D. The lender and A.I.D. shall enter into a Conflict of Guaranty, covering the loan. Disbursements under the loan will be subject to certain conditions required of the Borrower by A.I.D. as set forth in agreements between A.I.D. and the Borrower.

The full repayment of the loans will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in Section 222 of the Foreign Assistance Act of 1961, as amended (the "Act").

Lenders eligible to receive an A.I.D. guaranty are those specified in section 238(c) of the Act. They are: (a) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and, (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for an A.I.D. guaranty, the loans must be repayable in full no later than the thirtieth anniversary of the disbursement of the principal amount thereof and the interest rates may be no higher than the maximum rate established from time to time by A.I.D.

Information as to the elibibility of investors and others aspects of the A.I.D. housing guaranty program can be obtained from: Peter M. Kimm, Director, Office of Housing and Urban Programs, Agency for International Development, Room 6212 N.S., Washington, DC 20523, Telephone: (202) 647–9082.

Mario Pita,

Deputy Director, Office of Housing and Urban Programs.

Date: January 7, 1988.

[FR Doc. 88–532 Filed 1–11–88; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

[No. MC–F–18119]

CPC International, Inc.; Control Exemption; BHL Transport, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 11343, et seq., the acquisition of control by CPC International, Inc. of BHL Transport, Inc., subject to the condition for the protection of railroad employees in *New York Dock Ry.—Control Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

DATES: This exemption will be effective on February 13, 1988. Petitions to reopen must be filed by February 8, 1988.

ADDRESSES: Send pleadings referring to No. MC–F–18119 to:

(1) Office of the Secretary, Case, Control Branch, Interstate Commerce, Commission, Washington, DC 20423, and

(2) Petitioner's representative: Frederick L. Shreves II, Garvey, Shubert & Barer, 1000 Potomac Street NW., Washington, DC 20007.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, (202) 275–7691, TDD for hearing impaired: (202) 275–1721.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289–4357/4359 (D.C. Metropolitan area) [assistance for the hearing impaired is available through TDD Services (202) 275–1721 (or by pickup from Dynamic Concepts, Inc., Room 2229 at Commission Headquarters).

Decided: December 24, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 88–493 Filed 1–11–88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB–70 (Sub–No. 3]

Florida East Coast Railway Co.; Abandonment in St. Johns and Putnam Counties, FL

The Commission has issued a certificate and decision authorizing the Florida East Coast Railway Company to abandon its 22.2-mile rail line between St. Augustine (milepost P–39.7) and East Palatka, FL (milepost P–61.9), in St. Johns and Putnam Counties, FL. The abandonment certificate will become effective 30 days after this publication unless within 15 days after publication the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this notice. The following notation must be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: January 4, 1988.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Commissioner Andre dissented in part with a separate expression. Commissioner Simmons, joined by Vice Chairman Lamboley, dissented with a separate expression.

Noreta R. McGee,

Secretary.

[FR Doc. 88–494 Filed 1–11–88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-3 (Sub-No. 66)]

Missouri Pacific Railroad Co.; Abandonment in Muskogee, Wagoner and Tulsa Counties, OK; Findings

The Commission has modified a certificate and decision served December 16, 1987, authorizing the Missouri Pacific Railroad Company (MP) to abandon its 46.1-mile line of railroad between milepost 100.2 at Muskogee and milepost 146.3 at Tulsa, in Muskogee, Wagoner, and Tulsa Counties, OK. The modified decision authorizes MP to abandon its line of railroad only between milepost 100.2 near Muskogee and milepost 135.5 at Bixby. To the extent the certificate and decision are inconsistent with the modification, they were vacated.

The abandonment certificate as modified will become effective on January 15, 1988, unless the Commission also finds that: (1) A financially responsible party has offered financial assistance (through subsidy or purchase) to enable rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Decided: January 5, 1988.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 88-495 Filed 1-11-88; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 11-87]

Privacy Act of 1974; Removal of a System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Justice Management Division, Department of Justice, is eliminating a published Privacy Act system of records entitled "Justice Computer Service Utilization Report, JUSTICE/JMD-009."

The Justice Computer Service Utilization Report was misidentified as a Privacy Act system of records since information contained in the report is not retrieved by personal identifier. The report contains administrative management information relating to the use of computer resources by the Department components; thus, information is retrieved by job name or by organization code. Accordingly, this system, as published in the **Federal Register** on February 4, 1983 (48 FR 5359), is not a system of records as defined by the Privacy Act, and is removed from the Department's compilation of Privacy Act systems.

Dated: December 21, 1987.

Harry H. Flickinger,

Assistant Attorney General for Administration.

[FR Doc. 88-486 filed 1-11-88; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No. 12-87]

Privacy Act of 1974; Removal of a System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Justice Management Division (JMD), Department of Justice, is eliminating a published Privacy Act system of records entitled "Justice Computer Service Tape Library System, JUSTICE/JMD-011."

The computer service tape library was misidentified as a Privacy Act system of records since information on the library tape is not accessed by personal identifier. It is an indexing system used to locate individual tapes that are owned and accessed only by the Department components having responsibility for the records contained thereon.

The indexing system itself (the subject of this notice) is accessed by JMD only through the organization code, userid, or tape dataset name to determine where the individual tapes are physically located, and to identify the owners thereof and the subject matter or the type of records contained thereon. Access to records on the tapes is restricted to authorized personnel of the appropriate owner components through the use of passwords or user identification codes. Appropriate notices are published in the **Federal Register** where these records constitute a system of records as defined by the Privacy Act.

For the above-stated reasons, the Justice Computer Service Tape Library System, as published in the **Federal Register** on February 4, 1983 (48 FR 5359), is not a system of records as defined by the Act, and is removed from the Department's compilation of Privacy Act systems.

Dated: December 21, 1987.

Harry H. Flickinger,

Assistant Attorney General for Administration.

[FR Doc. 88-487 Filed 1-11-88; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No. 10-87]

Privacy Act of 1974; Removal of a System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Justice Management Division, Department of Justice, is eliminating a published system of records entitled "Expert Consultant/Witness File, JUSTICE/JMD-006." While the Division published notice of its intent to establish this system of records, it never actually implemented the system because of the unavailability of sufficient information to make it useful. Accordingly, the system, as published in the **Federal Register** on November 17, 1983 (51 FR 3673), is removed from the Department's compilation of Privacy Act systems.

Dated: December 21, 1987.

Harry H. Flickinger,

Assistant Attorney General for Administration.

[FR Doc. 88-492 Filed 1-11-88; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration; Penick Corp.

By Notice dated September 16, 1987, and published in the **Federal Register** on September 24, 1987 (52 FR 35973), Penick Corporation, 158 Mount Olivet Avenue, Newark, New Jersey 07114, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of hydromorphone (9150), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: January 4, 1988.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 88-483 Filed 1-11-88; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL SCIENCE FOUNDATION

Graduate Fellowship Program Review Committee; Cancellation of Meeting

The first meeting of the Committee to Review the Graduate Fellowship Program scheduled for January 13–15, 1988, at the National Science Foundation, Washington, DC has been cancelled. The meeting has been tentatively rescheduled for early March.

The initial meeting notice appeared on December 29, 1987, in 52 FR 49099.

For questions about this committee, please contact Dr. James F. Hays, Senior Science Advisor, at (202) 357–9443.

M. Rebecca Winkler,

Committee Management Officer.

January 6, 1988.

[FR Doc. 88–496 Filed 1–11–88; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Dockets No. 50-336]

Issuance of Environmental Assessment and Finding of No Significant Impact; Northeast Nuclear Energy Co., et al., Millstone Nuclear Power Station, Unit 2

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–65, issued to Northeast Nuclear Energy Company, et al. (the licensee), for operation of Millstone Nuclear Power Station, Unit 2, located in New London County, Connecticut.

Identification of Proposed Action

The amendment would consist of a change to the operating license to extend the expiration dates of the operating license for Millstone Nuclear Power Station, Units 2, from December 11, 2010 to July 31, 2015. The proposed license amendment is responsive to the licensee's application dated December 22, 1986. The Commission's staff has prepared an Environmental Assessment of the proposed action, "Environmental Assessment by the Office of Nuclear Reactor Regulation Relating to the Change in Expiration Date of Facility Operating License No. DPR–65, Northeast Nuclear Energy Company, et al., Millstone Nuclear Power Station, Unit No. 2, Dockets No. 50–336, dated January 6, 1988.

Summary of Environmental Assessment

The Commission's staff has reviewed the potential environmental impact of the proposed change in the expiration date of the Operating License for Millstone Nuclear Power Station, Unit 2. This evaluation considered the previous environmental studies, including the "Final Environmental Statement Related to Continuation of Construction of Unit 2 and Operation of Units 1 and 2, Millstone Nuclear Power Station," June 1973 the Final Environmental Statement related to the operation of Millstone Nuclear Power Station Unit No. 3 NUREG–1064, December 1984, and more recent NRC policy.

Radiological Impacts

The staff concludes that the Exclusion Area, the Low Population Zone and the nearest population center distances will likely be unchanged from those described in NUREG–1064. Since the 40 year operating license for Millstone Unit 3 will go beyond the proposed operating life of Millstone Unit 2, the analysis in the FES, dated December 1984, would also bound the 40 year license for Millstone Unit 2 in regard to low population zone, and distance to population centers.

Station radiological effluents to unrestricted areas during normal operation have been well within Commission regulation regarding as-low-as-is-reasonably-achievable (ALARA) limits, and are indicative of future releases. In addition, the proposed additional years of reactor operation do not increase the annual public risk from reactor operation.

With regard to normal plant operation, the occupational exposures for Millstone Unit 2 have been among the highest in the nuclear industry. The licensee is addressing the problem of high occupational exposures via a number of short and long term dose reduction initiatives. The NRC staff has reviewed the licensee's initiatives and believes that these initiatives will result in a substantial reduction in occupational exposures at Millstone Unit 2.

The NRC staff concludes that radiological impacts on man, both onsite and offisite, are not significantly more severe than previously estimated in the FES and the staff's previous cost-benefit conclusions remain valid.

The environmental impacts attributable to transportation of fuel and waste to and from the Millstone Nuclear Power Station, Unit 2, with respect to normal conditions of transport and possible accidents in transport, would be bounded as set forth in Summary Table S–4 of 10 CFR 51.52, and the values in Table S–4 would continue to represent the contribution of transportation to the environmental costs associated with the reactor.

Non-Radiological Impacts

The Commission has concluded that the proposed extension will not cause a significant increase in the impacts to the environment and will not change any conclusions reached by the Commission in the FES.

Finding of No Significant Impact

The Commission's staff has reviewed the proposed change to the expiration date of the Millstone Nuclear Power Station, Unit 2, Facility Operating License relative to the requirements set forth in 10 CFR Part 51. Based upon the environmental assessment, the staff concluded that there are no significant radiological or non-radiological imapcts associated with the proposed action and that the proposed license amendment will not have a significant effect on the quality of the human environment. Therefore, the Commission has determined, pursuant to 10 CFR 51.31, not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see (1) the application for amendment dated December 26, 1986, (2) the Final Environmental Statement Related to Continuation of Construction of Unit 2 and Operation of Units 1 and 2, Millstone Nuclear Power Station, and June 1973, and (3) the Environmental Assessment dated January 6, 1988. These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, Washington, DC, 20555 and at the Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Dated at Bethesda, Maryland, this 6th day of January 1988.

For the Nuclear Regulatory Commission.

David H. Jaffe,

Project Manager, Project Directorate I–4, Division of Reactor Projects I/II.

[FR Doc. 88–455 Filed 1–11–88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70–135; License No. SNM–145]

Issuance of Director's Decision; Babcock and Wilcox

Notice is hereby given that the Director, Office of Nuclear Material Safety and Safeguards, has taken action with regard to Petitions for action under 10 CFR 2.206 received from Ms. Cindee Virostek dated February 24, 1987, with respect to the Babcock & Wilcox Apollo facility. The Petitioner requested that the license for the facility be "suspended until corrective actions have been fully implemented," after which the license be "terminated and revoked, and the

facilities and grounds be released for unrestricted use."

The Director of the Office of Nuclear Material Safety and Safeguards has determined to deny the Petitions. The reasons for this denial are explained in the "Director's Decision under 10 CFR 2.206," (DD-88-1) which is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555. A copy of this decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided by this regulation, the decision will constitute the final action of the Commission 25 days after the date of issuance of the decision unless the Commission on its own motion institutes a review of the decision within that time.

Dated at Silver Spring, Maryland this 5th day of January 1988.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 88-454 Filed 1-11-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing; Northeast Nuclear Energy Co. et al.

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-65 issued to Northeast Nuclear Energy Company, et al. (the licensee), for operation of the Millstone Nuclear Power Station, Unit No. 2, located in New London County, Connecticut.

By application for license amendment dated December 28, 1987, as supplemented by letter dated January 5, 1988, the licensee requested changes to Millstone Unit 2 Technical Specification (TS) 4.6.1.2, "Containment Leakage" as follows: (1) The reference to ANSI Standard N45.4-1972 would be deleted and (2) the error analysis requirements would be modified to allow the use of alternate methods. The above changes to the TS have been proposed by the licensee to allow for use of ANSI/ANS Standard 56.8-1981 for "mass point" determination of containment leakage rate and for addressing the inherent errors associated with such testing.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By February 10, 1988, the licensee may file a request for a hearing with respect to the issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceedings. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceedings; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceedings; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petitioin for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 324-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: (Petitioner's name and telephone number), (date petition was mailed), (plant name), and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 and to Gerald Garfield, Esquire, Day, Berry and Howard, Counselors at Law, City Place, Hartford, Connecticut 06103-3499, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated December 28, 1987, as supplemented by the letter of January 5, 1988. These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06103.

Dated at Bethesda, Maryland this 5th day of January 1988.

For the Nuclear Regulatory Commission.

David H. Jaffe,

Project Manager, Project Directorate I–4, Division of Reactor Projects I/II.

[FR Doc. 88–456 Filed 1–11–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–313 and 50–368]

Arkansas Power and Light Company; Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for Prior Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR–51, and NPF–6 issued to Arkansas Power and Light Company (the licensee), for operation of the Arkansas Nuclear One, Units 1 and 2 located in Russellville, Arkansas.

The amendments would revise the provisions in the Technical Specifications relating to the responsibilities of the Plant Safety Committee relative to procedure reviews, in accordance with the licensee's applications for amendment dated December 4, 1987.

Prior to issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By February 11, 1988, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Jose A. Calvo: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Nicholas S. Reynolds, Esq., Bishop, Liberman, Cook, Purcell & Reynolds, 1200 Seventeenth St. NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the applications for amendment dated December 4, 1987, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Tomlinson Library, Arkansas Technical University, Russellville, Arkansas 72801.

Dated at Bethesda, Maryland this 6th day of January, 1988.

For the Nuclear Regulatory Commission.

George F. Dick, Jr.,

Project Manager, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 88–522 Filed 1–11–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–368]

Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing; Arkansas Power and Light Company; Correction

The United States Nuclear Regulatory Commission issued a notice in the Federal Register on December 28, 1987 (52 FR 48887) that it is considering issuance of an amendment to Facility Operating License No. NPF–6, issued to Arkansas Power and Light Company for operation of the Arkansas Nuclear One, Unit 2 located in Russellville, Arkansas. The date on page 48887 of the earlier notice is changed from January 25, 1988

to January 27, 1988, for the deadline by which the licensee may file a request for hearing with respect to issuance of the amendment to the subject facility operating license. This is also the date by which any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene.

Dated at Bethesda, Maryland, this 7th day of January 1988.

For the Nuclear Regulatory Commission.

David L. Meyer,

Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management.

[FR Doc. 88-520 Filed 1-11-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration, Determination, and Opportunity for Prior Hearing; Correction

The United States Nuclear Regulatory Commission issued a notice in the **Federal Register** on December 28, 1987 (52 FR 48889) that it is considering issuance of an amendment to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District for operation of the Rancho Seco Nuclear Generating Station located in Sacramento County, California. The date on page 48889 of the earlier notice is changed from January 25, 1988 to January 27, 1988, for the deadline by which the licensee may file a request for hearing with respect to issuance of the amendment to the subject facility operating license. This is also the date by which any person whose interest may be affected by this proceeding and who wishes to particpate as a party in the proceeding must file a written petition for leave to intervene.

Dated at Bethesda, Maryland, this 7th day of January 1988.

For the Nuclear Regulatory Commission.

David L. Meyer,

Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management.

[FR Doc. 88-521 Filed 1-11-88; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Guidelines for the Use of Consulting Services

AGENCY: Office of Management and Budget.

ACTION: Revision to Circular A-120, "Guidelines for the Use of Consulting Services".

SUMMARY: This notice revises OMB Circular A-120, "Guidelines for the Use of Consulting Services," dated April 14, 1980.

The revision is based on recommendations of the Cabinet Council on Management and Administration which in 1984 conducted a study in response to reports of abuses of consulting services by Federal departments and agencies.

The revision: (1) Expands the coverage of the circular; (2) requires the designation of a single official by each agency to be responsible and accountable for assuring that the provisions of the circular are met; (3) mandates minimum controls for the management and reporting of advisory and assistance services; and (4) exempts from the provisions of the circular all activities carried out in accordance with Circular A-76 (Revised) "Performance of Commercial Activities."

EFFECTIVE DATE: These revisions to Circular A-120 are effective immediately.

FOR FURTHER INFORMATION CONTACT: Contact the Office of Management and Budget, Financial Management Division, New Executive Office Building, 726 Jackson Place NW., Room 10201, Washington, DC 20503, (202) 395-6903.

SUPPLEMENTARY INFORMATION: Notice of the proposed revision was published for comment in the **Federal Register** on June 25, 1987, (52 FR 23918). In response, OMB received comments from more than 20 Federal agencies and private organizations.

Following is a summary of the major comments grouped by subject and a response to each.

Comment: Since the Cabinet Council study, a number of new safeguards have come into being. These include various provisions of the Competition in Contracting Act (Pub. L. 98-369), the establishment of competition advocates in all Federal agencies, the issuance of Circular A-123, and the annual reports by agency inspectors general. Because of these developments, the coverage of the circular should not be expanded.

Response: The additional management controls enacted since the Cabinet Council study may be presumed to have diminished abuses in the procurement of advisory and assistance services. However, there is not evidence that abuses have been eliminated and the types of activities covered by the expanded coverage continue to be inherently vulnerable. Further, the expanded coverage of the circular is consistent with the coverage adopted by the Department of Defense in 1986.

Comment: A substantial paperwork and management burden will be created by applying the controls previously required only for consulting services to the much larger number of procurements of advisory and assistance services.

Response: First, in response to comments (as noted below) the circular has been revised to eliminate day to day operational activities from its requirements. Secondly, agencies may find it useful to review their existing controls and consider whether it is desirable to apply them in their entirety to the newly covered activities. Some agencies now utilize greater control than is required by the Federal Acquisition Regulations (Subpart 37.2—Consultant Services). These additional controls need not be applied to all advisory and assistance services if, in the judgment of the agency, it is not desirable.

Comment: The requirement that the renewal of contracts entered into in accordance with Circular A-76 be subject to the provisions of the circular would constitute a disincentive to the initial use of the A-76 process.

Response: Section 3 has been revised to exempt all activities reviewed in accordance with Circular A-76.

Comment: The proposed definition includes a large number of routine, day to day activities which had never been identified as subject to significant abuses.

Response: Section I.6 of the Exclusions has been revised to exclude day-to-day operations of functions such as building maintenance or ADP operations. In the same vein, section 5.A.(3)c has been revised to exclude training which maintains skills necessary for normal operations.

Comment: The requirement that procurements of advisory and assistance services be reported to the Federal Procurement Data System solely by use of the Individual Contract Action Report (SF 279) ignores the existence of accurate alternative reporting systems.

Response: Section 9 of the circular, Data Requirements, has been revised so that the Office of Federal Procurement Policy (OFPP) can allow agencies to use alternative reporting systems when appropriate.

A small number of additional revisions were also made in order to clarify the text and correct technical inaccuracies.

James C. Miller III,

Director.

[Circular No. A-120]

To the Heads of Executive Departments and Establishments

Subject: Guidelines for the use of Advisory and Assistance Services

1. *Purpose.* This circular establishes policy, assigns responsibilities, and sets guidelines to be followed by executive branch agencies in determining and controlling the appropriate use of advisory and assistance services obtained from individuals and organizations. This circular supersedes OMB Circular No. A-120 "Guidelines for the Use of Consulting Services," dated April 14, 1980.

2. *Background.* OMB Bulletin No. 78-11, issued May 5, 1978, first required agencies to apply extra controls to the procurement of consultant services. Circular A-120, dated April 14, 1980, provided permanent guidance in lieu of the interim guidance provided by the Bulletin. A Model Control System for consulting services was issued on January 15, 1982, to provide further guidance, which was non-mandatory.

In 1984, the Cabinet Council on Management and Administration (CCMA) completed a study of consulting services to estimate expenditures, review definitions and existing controls, and propose reforms. The study resulted from continuing reports, by GAO and other agencies, of problems in the way the Government manages and uses consulting services.

This revision of Circular A-120 is being issued (1) to expand the coverage of the circular; (2) to mandate controls for the management and reporting of advisory and assistance services; and (3) to clarify the relationship between Circular A-120 and OMB Circular No. A-76 (Revised) "Performance of Commercial Activities," issued August 4, 1983.

3. *Relationship to OMB Circular A-76.* Activities that are reviewed in accordance with the A-76 process are exempt from the provisions of this circular except that when the functions performed by the contractor meet the definition of advisory and assistance services set forth in this circular, the contracting action must be reported in accordance with Sections 8.A. and 9.A. below. When A-76 contracts are renewed, they are also exempt from the provisions of this circular.

4. *Coverage.* The provisions of this circular apply to advisory and assistance services obtained by the following arrangements:

A. Personnel appointment;

B. Procurement contract; and

C. Advisory committee membership.

5. *Definition.* Advisory and Assistance Services are those services acquired fron non-governmental sources by contract or by personnel appointment to support or improve agency policy development, decision-making, management, and administration, or to support or improve the operation of management systems. Such services may take the form of information, advice, opinions, alternatives, conclusions, recommendations, training, and direct assistance. Advisory and assistance services include consultant services provided by indivduals, as defined in the Federal Personel Manual, Chapter 304.

A. Advisory and assistance services include activities having any of the following characteristics:

(1) Individual Experts and Consultants. Individual experts and consultants are persons possessing special, current knowledge or skill which may be combined with extensive operational experience. This enables them to provide information, opinions, advice, or recommendations to enhance understanding of complex issues or to improve the quality and timeliness of policy development or decision-making. These named individuals may either work independently or be assembled into panels, commissions, or committees.

(2) Studies, Analyses, and Evaluations. Studies, analyses, and evaluations are organized, analytic assessments needed to provide the insights necessary for understanding complex issues or improving policy development or decision-making. These analytic efforts result in formal, structured documents containing data or leading to conclusions and/or recommendations. This summary description is operationally defined by the following criteria:

a. Objective: To enhance understanding of complex issues or to improve the quality and timeliness of agency policy development or decision-making by providing new insights into, understanding of, alternative solutions to, or recommendations on agency policy and program issues, through the application of fact finding, analysis, and evaluation.

b. Areas of application: All subjects, issues, or problems involving policy development or decision-making in the agency. These may involve concepts, organizations, programs and other systems, and the application of such systems.

c. Outputs: Outputs are formal, structured documents containing or leading to conclusions and/or recommendations. Data bases, models, methodologies, and related software created in support of a study, analysis, or evaluation are to be considered part of the overall study effort.

d. Exclusions and exemptions: A complete list of exclusions and exemptions from the provisions of this circular is attached.

(3) Management and Professional Support Services. Management and professional support services take the form of advice, training, or direct assistance for organizations to ensure more efficient or effective operations of managerial, adminstrative, or related systems. This summary description is operationally defined in terms of the following criteria:

a. Objective: To ensure more efficient or effective operation of management support or related systems by providing advice, training, or direct assistance associated with the design or operation of such systems.

b. Areas of application: Management support or related systems such as program management, project monitoring and reporting, data collection, logistics management, budgeting, accounting, auditing, personnel management, paperwork management, records management, space management, and public relations.

c. Outputs: Services in the form of information, opinions, advice, training, or direct assistance that lead to the improved design or operation of managerial, administrative, or related systems. This does not include training which maintains skills necessary for normal operations. Written reports are normally incidental to the performance of the service.

d. Exclusions and exemptions: A complete list of exclusions and exemptions from the provisions of this circular is attached.

(4) Engineering and Technical Services. Engineering and technical services (technical representatives) take the form of advice, training, or under unusual circumstances, direct assistance to ensure more efficient or effective operation or maintenance of existing platforms, weapon systems, related systems, and associated software. All engineering and technical services provided prior to final Government acceptance of a complete "hardware system" are part of the normal development, production, and

procurement processes and do not fall within the meaning of this category. Engineering and technical services provided after final Government acceptance of a complete hardware system are within the meaning of this category except where they are procured to increase the original design performance capabilities of existing or new systems or where they are integral to the operational support of a deployed system and have been formally reviewed and approved in the acquisition planning process.

6. *Exclusions.* The attachment lists the Government programs and activities that are excluded from the provisions of this circular unless agencies decide to include them (see Section 8A below).

7. *Policy.*

A. When essential to the mission of the agency, the proper use of advisory and assistance services is a legitimate way to :

(1) Obtain outside points of view to avoid too limited judgment on significant issues;

(2) Obtain advice regarding developments in industry, university or foundation research;

(3) Obtain the opinions, special knowledge, or skills of noted experts whose national or international prestige can contribute to the sources of important projects;

(4) Enhance the understanding of, and develop alternative solutions to, complex issues;

(5) Support and improve the operation of organizations;

(6) Ensure the more efficient or effective operation of managerial or hardware systems; and

(7) Secure citizen advisory participation in developing or implementing Government programs that, by their nature or by statutory provision, call for such participation.

B. Advisory and assistance services shall not be:

(1) Used in performing work of a policy, decision-making, or managerial nature which is the direct responsibility of agency officials;

(2) Used to bypass or undermine personnel ceilings, pay limitations, or competitive employment procedures;

(3) Awarded on a preferential basis to former Government employees;

(4) Used under any circumstances specifically to aid in influencing or enacting legislation;

(5) Procured through grants and cooperative agreements; and

(6) Obtained for professional or technical advice which is readily available within the agency or another Federal agency, except when the contract is entered into pursuant to the procedures and provisions of Circular A–76.

C. No contracts for advisory and assistance services may be continued longer than five years without being reviewed for continued compliance with this circular.

8. *Management Controls.*

A. Each agency will assure that it maintains an accounting or information system which effectively monitors and reports advisory and assistance service activites.

B. Each agency's management control system for advisory and assistance services shall at a minimum comply with the Federal Acquisition Regulation. Agencies are encouraged to apply the same control system to other procurements which in their judgment require similar management attention, notwithstanding the exclusion of those functions or programs from the provisions of this circular.

C. Each agency will assure that for all advisory and assistance service arrangements:

(1) The elements of the management control system required by this circular have been observed, and all procurements under this circular are administered in accordance with the requirements of the Federal Acquisition Regulation;

(2) As prescribed by the Federal Acquisition Regulation, written approval of all advisory and assistance services arrangements will be required at a level above the organization sponsoring the activity. Additionally, written approval for all advisory and assistance service arrangements during the fourth fiscal quarter will be required at the second level or higher above the organization sponsoring the activity;

(3) Every requirement is appropriate and fully justified in writing. Such justification will provide a statement of need and will certify that such services do not unnecessarily duplicate any previously performed work or services;

(4) Work statements are specific, complete, and specify a fixed period of performance for the service to be provided;

(5) Acquisition of advisory and assistance services conform to the Competition in Contracting Act of 1984;

(6) Appropriate disclosure is required of, and warning provisions are given to, the performer(s) to avoid conflict of interest;

(7) Advisory and assistance service arrangements are properly administered and monitored to ensure that performance is satisfactory;

(8) The service is properly evaluated at the conclusion of the arrangement to assess its utility to the agency and the performance of the contractor; and

(9) To the extent practicable, contracts for these services require a written report. Such reports typically would document the services delivered and may, in part, take the form of software packages.

D. Delegations of Authority.

(1) Each agency head shall designate a single official reporting directly to him or her who shall be responsible and accountable for assuring that the acquisition of advisory and assistance services meets the provisions contained in this circular. The single official shall have minimum responsibility for the procurement of such services.

(2) Each agency will establish specific levels of delegation of authority to approve the need for advisory and assistance services based on the policy and guidelines contained in this circular. The senior official shall review each advisory and assistance services request which exceeds an amount to be determined by the agency.

E. Policy and procedures governing advisory committees and their membership as well as the procurement of advisory and assistance services are contained in General Services Administration regulations, 41 CFR Part 101–6.

F. The Federal Personnel Manual, Chapter 304, governs policy and procedures regarding personnel appointments.

G. The Federal Acquisition Regulation governs policy and procedures regarding contracts.

9. *Data Requirements.*

A. Contracted advisory and assistance services shall be reported to the Federal Procurement Data System (FPDS) in accordance with the instructions in the FPDS Reporting Manual.

B. Contract actions of $25,000 or less reported on the Summary Contract Action Report ($25,000 or less) (SF 281) are not covered by this reporting requirement.

C. The following data systems will continue to provide information on advisory and assistance service arrangements within the executive branch:

(1) Central Personnel Data File (CPDF), operated by the Office of Personnel Management, provides data on personnel appointments, segregating advisors, experts, and advisory committee members.

(2) The Federal Procurement Data System (FPDS) provides data on contract arrangements that are monitored by the management control

system required by Section 8 of this circular.

(3) Advisory committee data is provided in accordance with Section 2 of Executive Order No. 12024 to fulfill the requirements of section 6(c) of the Federal Advisory Committee Act, as amended (Pub. L. 92–463, 5 U.S.C., App.).

10. *Effective Date.* This circular is effective immediately.

11. *Inquiries.* All questions or inquiries should be submitted to the Office of Management Budget. Telephone number (202) 395–6903.

James C. Miller III,

Director.

Exclusions

I. The following activities are excluded from the purview of Circular A–120.

1. Activities that are reviewed in accordance with the A–76 process. (Such activities must be reported in accordance with sections 8.A and 9.A.)

2. Architectural and engineering services of construction and construction management services.

3. ADP/Telecommunications may be excluded if such functions and related services are controlled in accordance with 41 CFR Part 201, the Federal Information Resource Management Regulations.

4. Research on theoretical mathematics and basic medical, biological, physical, social, psychological or other phenomena.

5. Engineering studies related to specific physical or performance characteristics of existing or proposed systems.

6. The day-to-day operation of facilities (e.g., the Johnson Space Center and related facilities) and functions (e.g., ADP operations, building maintenance, etc.).

7. Government-owned, contractor operated facilities (GOCOs) (e.g., Oak Ridge National Laboratory, the Holstan Army Ammunition Plant in Kingsport, Tennessee). However, any contract for advisory and assistance services other than the basic contract for operation and management of a GOCO shall come under the provisions of this circular.

8. Clinical medicine.

9. Those support services of a managerial or administrative nature performed as a simultaneous part of, and non-separable from, specific development, production, or operational support activities. In this context, non-separable means that the managerial or administrative systems in question (e.g., subcontractor monitoring or configuration control) cannot reasonably be operated by anyone other than the designer or producer of the end-item hardware.

10. Contracts entered into in furtherance of statutorily mandated advisory committees.

11. Initial training, training aids, and technical documentation acquired as an integral part of the lease or purchase of equipment.

12. Routine maintenance of equipment, routine administrative services (e.g., mail, reproduction, telephone), printing services, and direct advertising (media) costs.

13. Auctioneers, realty-brokers, appraisers, and surveyors.

II. The following programs are excluded from the purview of Circular A–120.

1. The National Foreign Intelligence Program (NFIP).

2. The General Defense Intelligence Program (GDIP).

3. Tactical Intelligence and Related Activities (TIARA).

4. Foreign Military Sales.

[FR Doc. 88–461 Filed 1–11–88; 8:45 am]

BILLING CODE 3110–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. IP 87–12; Notice 2]

Grant of Petition for Determination of Inconsequential Noncompliance; General Motors Corp.

This notice grants the petition by General Motors Corporation of Warren, Michigan, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.101, Federal Motor Vehicle Safety Standard No. 101, "Controls and Displays." The basis of the grant is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on October 6, 1987, and an opportunity afforded for comment (52 FR 37394).

Standard No. 101 specifies individual identifying symbols for the windshield washer control and the windshield washer and wiper combined control. General Motors has determined that a total of forty-eight 1987 Brigadier trucks were manufactured with an incorrect illuminated identification for the windshield washer control. The symbol for combined windshield washer and wiper was used instead of the identifying symbol for windshield washer alone. General Motors supports its petition with the following:

1. "The washer control in question is properly identified on the control itself with the symbol specified in FMVSS 101. The incorrect symbol usage is limited to an adjacent identification which is present for purposes of meeting the illumination requirement of FMVSS 101.

2. The Owner's Manual clearly illustrates and describes the washer control and its function.

3. A driver will easily and readily recognize this control, especially the skilled professional driver of heavy duty commercial vehicles such as the Brigadier."

No comments were received on the petition.

Because the control itself bears the proper symbol, NHTSA believes that any confusion on the part of the driver is most likely to occur when the headlamps are in use, and the incorrect identification illuminated. The instrument panels of the trucks in question are designed such that the windshield washer control is adjacent to the windshield wiper control. The illuminated identification of the wiper control is correct, as is the symbol on the washer control itself, minimizing the possibility that the operator will activate the washer control in the belief that it is the wiper control. Accordingly, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is granted.

(Sec. 102, Pub. L. 83–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on January 6, 1988.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 88–497 Filed 1–11–88; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954). The list is the same as the prior quarterly list published in the **Federal Register.**

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott (within the meaning of section

999(b)(3) of the Internal Revenue Code of 1954).

Bahrain
Irag
Jordan
Kuwait
Lebanon
Libya
Oman
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen, Arab Republic
Yemen, Peoples Democratic Republic of

Dated: January 5, 1988.

O. Donaldson Chapoton,

Assistant Secretary for Tax Policy.

[FR Doc. 88-474 filed 1-11-88; 8:45 am]

BILLING CODE 4810-25-M

Reader Aids

Federal Register

Vol. 53, No. 7

Tuesday, January 12, 1988

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

561.....20, 233
606.....111
610.....111
640.....111
1308.....500
Proposed Rules:
193.....259
561.....259
1308.....743

23 CFR

655.....236

24 CFR

221.....615
236.....615
Proposed Rules:
115.....260

26 CFR

1.....117, 238
Proposed Rules:
1.....153, 261

28 CFR

55.....735
541.....196

29 CFR

2702.....737

33 CFR

117.....119, 406
165.....616

36 CFR

5.....739
404.....120
Proposed Rules:
223.....519

37 CFR

201.....122, 123
Proposed Rules:
203.....153

38 CFR

4.....21
21.....616
Proposed Rules:
21.....620

39 CFR

111.....124, 125
232.....126

40 CFR

2.....214
51.....392, 480
52.....392, 501
86.....470
180.....241, 243, 657
271.....126-128, 244
Proposed Rules:
52.....261
180.....262, 263
261.....519

41 CFR

101-20.....129
114-51.....741
Proposed Rules:
Ch. 201.....620
141.....31
142.....31
261.....31

42 CFR

431.....657
435.....657
440.....657
441.....657
Proposed Rules:
434.....744
435.....744

43 CFR

2.....24

44 CFR

Proposed Rules:
61.....419
62.....419
80.....621
82.....621
83.....621

45 CFR

95.....26
233.....467

46 CFR

Proposed Rules:
588.....624

47 CFR

Ch. I.....502
64.....27
73.....28, 29, 504
Proposed Rules:
1.....625
63.....625
73.....426
74.....529
76.....625
78.....529

48 CFR

7.....660
8.....660
13.....660
14.....660
19.....660
22.....660
25.....660
26.....660
28.....660
29.....660
33.....660
42.....660
45.....660
52.....660
501.....130, 132
513.....132
Proposed Rules:
215.....625
225.....626
252.....626
404.....749
407.....749
409.....749
410.....749
412.....749
414.....749
415.....749
416.....749
417.....749
419.....749
422.....749
424.....749
425.....749
428.....749
432.....749
436.....749
437.....749
439.....749
442.....749
445.....749
446.....749
447.....749
452.....749

49 CFR

24.....467
541.....133
661.....617
Proposed Rules:
3.....100
7.....100
10.....100
383.....265
391.....42
571.....426
1041.....155
1048.....155
1049.....155

50 CFR

611.....134, 741
653.....244
663.....246, 248
Proposed Rules:
20.....42
226.....530
301.....156
652.....265
658.....266
672.....627

LIST OF PUBLIC LAWS

Note: No public bills which have become laws were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List January 11, 1988